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FILED
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DEPARTMENT OF REAL ESTATE
By R. TRAY

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

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In the Matter of the Accusation of

DAVID VINCENT CHAMBERS,

Respondent.

No. H-10945 SF

ORDER DENYING REINSTATEMENT OF LICENSE

On January 26, 2011, a Decision was rendered in Case No. H-10945 SF revoking the real estate broker license of Respondent effective February 22, 2011.

On February 22, 2012, Respondent petitioned for reinstatement of said real estate broker license, and the Attorney General of the State of California has been given notice of the filing of said petition.

The burden of proving rehabilitation rests with the petitioner (*Feinstein v. State Bar* (1952) 39 Cal. 2d 541). A petitioner is required to show greater proof of honesty and integrity than an applicant for first time licensure. The proof must be sufficient to overcome the prior adverse judgment on the applicant's character (*Tardiff v. State Bar* (1980) 27 Cal. 3d 395).

I have considered the petition of Respondent and the evidence submitted in support thereof. Respondent has failed to demonstrate to my satisfaction that Respondent has

1 undergone sufficient rehabilitation to warrant the reinstatement of Respondent's real estate
2 broker license at this time.

3 The Department has developed criteria in Section 2911 of Title 10, California
4 Code of Regulations (Regulations) to assist in evaluating the rehabilitation of an applicant for
5 reinstatement of a license. Among the criteria relevant in this proceeding are:

6 Regulation 2911(k) Correction of business practices resulting in injury to others
7 or with the potential to cause such injury.

8 Respondent's real estate broker and designated officer licenses were revoked by
9 the Department in February 2011, for violations including illegally charging and collecting
10 advance fees, failure to supervise the licensed acts of the corporate broker, trust fund handling
11 and record keeping, commingling trust funds, and failure to properly retain and produce records
12 for inspection by the Department's auditor. Respondent's current petition noted that he is
13 employed as a "loan consultant/broker" for a company known as First National Security
14 Mortgage, a dba previously held by Respondent under his real estate broker license. Other
15 information on Respondent's petition included the fact that Respondent opened a trust account in
16 the name of Respondent's former dba, which indicates that Respondent continues to do acts
17 which require a real estate broker license while Respondent is not so licensed.

18 Regulation 2911(n) Change in attitude from that which existed at the time of the
19 conduct in question as evidenced by any or all of the following:

20 (1) Testimony of applicant.

21 In his responses to the Department's investigator concerning changes Respondent
22 has made in his attitude which led to the revocation of his real estate broker license, Respondent
23 did not appear to be aware of the severity of the violations which led to the revocation of his
24 licenses. Respondent did not appear for a scheduled interview with the Department's
25 investigator concerning Respondent's current petition. Respondent also demanded of the
26 Department's investigator that the Department appoint an attorney to represent Respondent in
27 this petition matter.

