

FILED

FEB 26 2020

DEPARTMENT OF REAL ESTATE

By S. Black

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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In the Matter of the Accusation of

SCOTT GREGORY PHILIP,

No. H-10967 SF

Respondent.

ORDER DENYING REINSTATEMENT OF LICENSE

On October 19, 2010, a Decision was rendered in Case No. H-10967 SF revoking the real estate salesperson license of Respondent effective November 15, 2010.

On April 10, 2013, Respondent petitioned for reinstatement of said real estate salesperson license. On November 7, 2013, a Decision was rendered denying the reinstatement of the real estate salesperson license of Respondent effective December 3, 2013, but granting Respondent the right to the issuance of a restricted real estate salesperson license. A restricted real estate salesperson license was issued to Respondent on February 4, 2014, and Respondent has held a restricted license since that time.

On May 30, 2019, Respondent petitioned for reinstatement of said real estate salesperson license, and the Attorney General of the State of California has been given notice of the filing of said petition.

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

5 I have considered the petition of Respondent and the evidence submitted in
6 support thereof.

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

10 Regulation 2911(3) Expungement of criminal convictions resulting from immoral
11 or antisocial acts.

12 Respondent has not had his 2009 convictions expunged.

13 Regulation 2911(10) Discharge of, or bona fide efforts toward discharging,
14 adjudicated debts or monetary obligations to others.

15 Respondent has not made bona fide efforts to repay his outstanding Federal tax
16 liens.

17 Regulation 2911(14) Change in attitude from that which existed at the time of the
18 conduct in question as evidenced by any or all of the following:

19 (a) Testimony of applicant.

20 Respondent failed to disclose his Federal Tax Liens on his application and has
21 not paid taxes in a couple of years.

22 Respondent has failed to demonstrate to my satisfaction that Respondent has
23 undergone sufficient rehabilitation to warrant the reinstatement of Respondent's real estate
24 salesperson license at this time.

25 Given the violations found and the fact that Respondent has not established that
26 Respondent has satisfied Regulations 2911(3), (10), and (14)(a), I am not satisfied that
27 Respondent is sufficiently rehabilitated to receive a real estate salesperson license.

1 NOW, THEREFORE, IT IS ORDERED that Respondent's petition for
2 reinstatement of Respondent's real estate salesperson license is denied.

3 This Order shall become effective at 12 o'clock noon on MAR 18 2020.

4 IT IS SO ORDERED

5 2/13/20
6 SANDRA KNAU
7 ACTING REAL ESTATE COMMISSIONER

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