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BUREAU OF REAL ESTATE

By S. Black

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BEFORE THE BUREAU OF REAL ESTATE  
STATE OF CALIFORNIA

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In the Matter of the Accusation of

SHELDON KEITH BERRY,

No. H-11481 SF

Respondent.

ORDER DENYING REINSTATEMENT OF LICENSE  
BUT GRANTING RIGHT TO A RESTRICTED LICENSE

On August 1, 2014, in Case No. H-11481 SF, a Decision was rendered revoking the real estate broker license of Respondent effective August 26, 2014, but granting Respondent the right to the issuance of a restricted salesperson license. A restricted salesperson license was issued to Respondent on August 26, 2014, and Respondent has held a restricted license since that time.

On October 5, 2016, 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).

1 I have considered Respondent's petition and the evidence submitted in support  
2 thereof.

3 The Bureau has developed criteria in Section 2911 of Title 10, California Code of  
4 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(j) Discharge of, or bona fide efforts toward discharging,  
7 adjudicated debts or monetary obligations to others.

8 Respondent owes approximately \$150,000.00 in taxes and \$20,000.00 in civil  
9 judgments. Respondent has filed for Chapter 11 bankruptcy and expects these debts to be  
10 discharged.

11 Respondent has failed to demonstrate to my satisfaction that Respondent has  
12 undergone sufficient rehabilitation to warrant the reinstatement of Respondent's unrestricted real  
13 estate broker license.

14 I am satisfied, however, that it will not be against the public interest to issue a  
15 restricted real estate broker license to Respondent.

16 A restricted real estate broker license shall be issued to Respondent pursuant to  
17 Section 10156.5 of the Business and Professions Code, if Respondent satisfies the following  
18 conditions prior to and as a condition of obtaining a restricted real estate broker license within  
19 twelve (12) months from the effective date of this Order:

20 1. Respondent shall qualify for, take and pass the real estate broker license  
21 examination.

22 2. Submittal of a completed application and payment of the fee for a real  
23 estate broker license.

24 The restricted license issued to Respondent shall be subject to all of the provisions  
25 of Section 10156.7 of the Business and Professions Code and to the following limitations,  
26 conditions and restrictions imposed under authority of Section 10156.6 of that Code:  
27

1           A. The restricted license issued to Respondent may be suspended prior to  
2 hearing by Order of the Real Estate Commissioner in the event of Respondent's conviction or  
3 plea of nolo contendere to a crime which is substantially related to Respondent's fitness or  
4 capacity as a real estate licensee.

5           B. The restricted license issued to Respondent may be suspended prior to  
6 hearing by Order of the Real Estate Commissioner on evidence satisfactory to the  
7 Commissioner that Respondent has violated provisions of the California Real Estate Law, the  
8 Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to  
9 the restricted license.

10           C. Respondent shall not be eligible to apply for the issuance of an  
11 unrestricted real estate license nor the removal of any of the limitations, conditions or  
12 restrictions of a restricted license until two (2) years have elapsed from the date of the issuance  
13 of the restricted license to Respondent.

14           D. Respondent shall notify the Commissioner in writing within 72 hours of  
15 any arrest by sending a certified letter to the Commissioner at the Bureau of Real Estate, Post  
16 Office Box 137007, Sacramento, CA 95813-7007. The letter shall set forth the date of  
17 Respondent's arrest, the crime for which Respondent was arrested and the name and address of  
18 the arresting law enforcement agency. Respondent's failure to timely file written notice shall  
19 constitute an independent violation of the terms of the restricted license and shall be grounds for  
20 the suspension or revocation of that license.

21           This Order shall become effective at 12 o'clock noon on **DEC 26 2017**

22 IT IS SO ORDERED

11/21/17

23           WAYNE S. BELL  
24           REAL ESTATE COMMISSIONER

25  
26           

27           By: DANIEL J. SANDRI  
              Chief Deputy Commissioner