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FILED
OCT 03 2023
DEPT. OF REAL ESTATE
By R. Postell

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

DAVID LINCOLN HOCHMAN,

Respondent.

Nos. H-22673 LA

ORDER DENYING REINSTATEMENT OF LICENSE

On December 23, 1986, a Decision was rendered in Case No. H-22673 LA revoking the real estate salesperson license of Respondent effective January 27, 1987. On August 15, 1989, an Order was rendered in Case H-22673 LA, denying reinstatement of a real estate salesperson license to Respondent, 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 August 31, 1989, and Respondent has held a restricted licensee since that time.

On February 18, 2022, 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.

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

1 prior adverse judgment on the applicant's character (*Tardiff v. State Bar* (1980) 27 Cal. 3d 395).

2 I have considered the petition of Respondent and the evidence submitted in
3 support thereof.

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

7
8 ***2911. Criteria for Rehabilitation***

9 *(a) (3) Expungement of criminal convictions.*

10 Respondent did not provide evidence that his criminal convictions were
11 expunged.

12 *(a) (9) Completion of, or sustained enrollment in, formal education or vocational
13 training courses for economic self-improvement.*

14 Respondent presented no evidence of completing any such courses.

15 *(a)(10) Discharge of, or bona fide efforts toward discharging, adjudicated debts
16 or monetary obligations to others.*

17 The State of California filed tax liens against Respondent on the following dates:

<u>Date</u>	<u>Amount</u>
2/4/94	\$3,429
11/28/95	\$29,580
11/3/97	\$9,434
9/10/03	\$7,970
3/17/04	\$15,904
10/4/04	\$10,904

21 Federal tax liens were file against Respondent on the following dates:

<u>Date</u>	<u>Amount</u>
23 6/8/92	\$15,096
24 7/24/92	\$11,399
25 8/10/92	\$14,457
26 8/17/93	\$14,292
27 6/1/99	\$2,023
4/28/05	\$113,1112
4/26/10	\$484,688

1 On August 28, 2009, a civil judgment for \$8,900 was entered against Respondent,
2 in favor of Gary Liebman.

3 Respondent offered no evidence of bona fide efforts towards discharging these
4 debts.

5 *(a)(12) Significant or conscientious involvement in community, church or*
6 *privately- sponsored programs designed to provide social benefits or to*
7 *ameliorate social problems.*

8 Respondent presented no evidence of significant involvement in any community
9 groups.

10 *(a)(14) Change in attitude from that which existed at the time of the conduct in*
11 *question as evidenced by the following:*

12 *(A) Testimony and/or other evidence of rehabilitation submitted by the applicant.*

13 Respondent failed to disclose the liens and judgment described under section
14 (a)(10) above in his petition application. He also failed to disclose the subsequent
15 criminal convictions listed in subsection (E) below in his petition application.
16 In *Harrington vs. Dept. of Real Estate (1989)*, 214 Cal. App. 3d, 394, the court
17 stated that lack of candor in completing a license application is itself sufficient to
18 sustain a finding that the applicant does not yet appreciate the need to speak
19 honestly about and to accept responsibility for one's actions.

20 *(E) Absence of subsequent felony convictions, misdemeanor convictions, or other*
21 *conduct that provides grounds to discipline a real estate licensee, which reflect an*
22 *inability to conform to societal rules when considered in light of the conduct in*
23 *question.*

24 On June 1, 1996, in the Superior Court of California, County of Los Angeles,
25 Case No. PA022031, Respondent was convicted for violating Health and Safety
26 Code section 11350 (a) (possession of a controlled substance-cocaine), a felony.

27 On October 2, 2007, in the Superior Court of California, County of Los Angeles,
Case No. 7NW02822, Respondent was convicted for violating Vehicle Code
section 23152(b) (driving with a blood alcohol level of .08% or more), a
misdemeanor.

On September 17, 2008, in the Superior Court of California, County of Los
Angeles, Case No. 8NW00532, Respondent was convicted for violating Vehicle
Code section 14601.1(a) (driving on a suspended license), a misdemeanor.

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 salesperson license at this time.

3
4 Given the violations found and the fact that Respondent has not established that
5 Respondent has satisfied Regulations 2911(a)(3), (a)(9), (a)(10), (a)(12), and (a)(14), I am not
6 satisfied that Respondent is sufficiently rehabilitated to receive a real estate salesperson license.

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

9 This Order shall become effective at 12 o'clock noon on OCT 23 2023.

10 IT IS SO ORDERED 9/25/2023

11 DOUGLAS R. McCAULEY
12 REAL ESTATE COMMISSIONER

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14 By: Marcus L. McCarther
15 Chief Deputy Real Estate Commissioner

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