

FILED

AUG 18 2022

DEPT. OF REAL ESTATE  
By R. P. S. G. G.

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

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In the Matter of the Accusation of: ) DRE No. H-24978 LA  
)  
D. A. PETERSON ENTERPRISES INC , a )  
corporation and DENNIS ANTHONY )  
PETERSON, individually and as designated )  
officer of D.A. Peterson Enterprises, Inc., )  
)  
Respondents. )

ORDER DENYING REMOVAL OF DISCIPLINE INFORMATION FROM RESPONDENT'S  
PUBLIC INFORMATION PAGE ON THE DEPARTMENT OF REAL ESTATE'S WEBSITE

On November 12, 1992, in Case No. H-24978 LA, a Decision was rendered disciplining the real estate licenses of Respondents effective December 14, 1992.

On November 30, 2020, Respondents petitioned for the removal of discipline information from Respondents' Public Information Pages on the Department of Real Estate's Website ("the Website").

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 Respondents' petitions and the evidence submitted in support  
2 thereof.

3 The Department has developed criteria in Sections 2911 and 2912 of Title 10,  
4 California Code of Regulations (Regulations) to assist in evaluating the rehabilitation of a  
5 petitioner for the removal of discipline information from the website. Among the criteria relevant  
6 in this proceeding are:

7  
8 *(a) (11) Correction of business practices resulting in injury to others or with the  
potential to cause such injury.*

9 On February 2, 2022 an Accusation was filed against Respondents by the  
10 Department in Case No. H-42190 LA. Among the allegations in the Accusation  
11 were that, between January 1, 2020 and March 31, 2021, Respondents violated  
12 Business and Professions Code sections 10145, 10177(d), 10177(g), as well as Title  
13 10, Chapter 6, California Code of Regulations sections 2831, 2831.1 and 2831.2.  
14 On July 13, 2022, the Department filed orders accepting the voluntary surrender of  
Respondents' real estate licenses. Among the terms and conditions of the  
15 Respondents' surrender declarations were stipulations that the allegations contained  
16 in the Accusation for Case No. H-41290 LA may be considered by the Department  
to be true for the purpose of deciding whether or not to grant reinstatement.  
Therefore, Respondents have failed to correct business practices with the potential  
of injury to others.

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

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

20 Respondents have stipulated that the allegations in Case No. H-42190 LA provide grounds  
21 to discipline their real estate licenses.

22  
23 Respondents have failed to demonstrate to my satisfaction that Respondents are not  
24 a credible risk to the public and that Respondents have undergone sufficient rehabilitation to  
25 warrant the removal of discipline information from the Website.

26 Given the violations found and the fact that Respondents have not established that  
27 Respondents have satisfied Regulations 2911(a)(11) and (a)(14)(E), I am not satisfied that

1 Respondents are sufficiently rehabilitated for the removal of discipline information from the  
2 website.

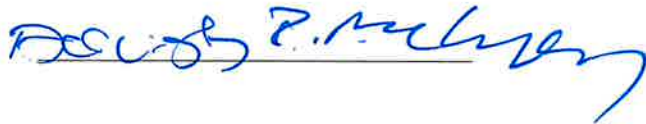
3 The earliest date on which Respondents may submit new petitions for the removal of  
4 discipline from the website is one year from the effective date of this Decision. If, and when  
5 petitions are again made for these licensees, all competent evidence of rehabilitation presented by  
6 Respondents will be considered by the Real Estate Commissioner.

7 NOW, THEREFORE, IT IS ORDERED that Respondents' petitions for the removal  
8 of discipline information from the Website are denied.

9 This Order shall become effective immediately.

10 DATED: 8.12.22

11 DOUGLAS R. McCAULEY  
12 REAL ESTATE COMMISSIONER

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