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FILED

AUG 18 2022

DEPT. OF REAL ESTATE
By R. P. Sedg

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

D.A. PETERSON ENTERPRISES, INC, a
corporation and DENNIS ANTHONY
PETERSON, individually and as designated
officer of D.A. Peterson Enterprises, Inc.,

No. H-24978 LA

Respondents.

ORDER DENYING REINSTATEMENT OF LICENSE

On November 12, 1992, a Decision was rendered in Case No. H-24978 LA
revoking the designated officer license of Respondent DENNIS ANTHONY PETERSON and
the corporate real estate broker license of Respondent D.A. PETERSON ENTERPRISES, INC.,
effective December 14, 1992, but granting Respondents the right to the issuance of restricted real
estate licenses. Restricted real estate licenses were issued to Respondents on December 14, 1992,
and Respondents held restricted licenses until their licenses were surrendered, effective August
2, 2022.

On November 30, 2020, Respondents petitioned for reinstatement of their
unrestricted real estate licenses, and the Attorney General of the State of California has been
given notice of the filing of said petitions.

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 Respondents 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 ***2911. Criteria for Rehabilitation***

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

14 On February 2, 2022 an Accusation was filed against Respondents by the
15 Department in Case No. H-42190 LA. Among the allegations in the Accusation
16 were that, between January 1, 2020 and March 31, 2021, Respondents violated
17 Business and Professions Code sections 10145, 10177(d), 10177(g), as well as
18 Title 10, Chapter 6, California Code of Regulations sections 2831, 2831.1 and
19 2831.2. On July 13, 2022, the Department filed orders accepting the voluntary
20 surrender of Respondents' real estate licenses. Among the terms and conditions
of the Respondents' surrender declarations were stipulations that the allegations
contained 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.

21 *(a)(14)Change in attitude from that which existed at the time of the conduct in*
22 *question as evidenced by the following:*
23 *(E) Absence of subsequent felony convictions, misdemeanor convictions, or other*
conduct that provides grounds to discipline a real estate licensee, which reflect an
inability to conform to societal rules when considered in light of the conduct in question.

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

26 Respondents have failed to demonstrate to my satisfaction that Respondents have
27 undergone sufficient rehabilitation to warrant the reinstatement of Respondents' real estate

1 licenses at this time.

2
3 Given the violations found and the fact that Respondents have not established that
4 Respondents have satisfied Regulations 2911(a)(11) and (a)(14)(E), I am not satisfied that
5 Respondents are sufficiently rehabilitated to receive unrestricted real estate license.
6 Furthermore, Respondents may not petition to remove the voluntary surrender of their licenses
7 until August 2, 2023.

8 NOW, THEREFORE, IT IS ORDERED that Respondents' petitions for
9 reinstatement of Respondents' designated officer and corporate broker real estate licenses are
10 denied.

11 This Order shall become effective at 12 o'clock noon on SEP 07 2022

12 IT IS SO ORDERED 8.12.22

13 DOUGLAS R. McCAULEY
14 REAL ESTATE COMMISSIONER

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