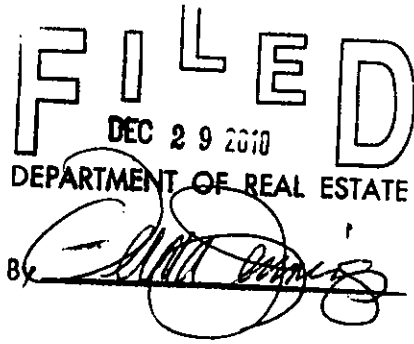




BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

DOUGLAS KIM THOMAS,

Respondent.

No. H-24982 LA

ORDER DENYING REINSTATEMENT OF LICENSE

On November 17, 1992, a Decision was rendered revoking the real estate salesperson license of Respondent, due to a criminal conviction.

On September 17, 2009, 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.

I have considered the petition of Respondent and the evidence submitted in support thereof. Respondent has failed to demonstrate to my satisfaction that Respondent has undergone sufficient rehabilitation to warrant the reinstatement of Respondent's real estate salesperson license at this time.

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

1 integrity than an applicant for first time licensure. The proof must be sufficient to overcome the
2 prior adverse judgment on the applicant's character (*Tardiff v. State Bar* (1980) 27 Cal. 3d 395).

3 The Department has developed criteria in Section 2911 of Title 10, California
4 Code of 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(c)—expungement of convictions

7 Respondent has not submitted proof that his criminal conviction has been
8 expunged.

9 Regulation 2911(i)—completion of, or sustained enrollment in, formal
10 educational or vocational training courses for economic self-improvement

11 Respondent has not submitted such proof.

12 Regulation 2911(j)—discharge of, or bona fide efforts toward discharging debts.

13 Respondent has not provided proof that Respondent paid a 2009 State tax lien.

14 Regulation 2911(l)—significant or conscientious involvement in community,
15 church or privately-sponsored programs designed to provide social benefits or to ameliorate
16 social problems.

17 Respondent has not provided evidence of qualifying community service activities.

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

20 (1) Testimony of applicant.

21 Respondent failed to disclose a 1996 felony forgery conviction, or the 2009 State
22 tax lien, in his Petition Application.

23 (5) Subsequent conviction.

24 Respondent's 1996 felony forgery conviction, occurred after the revocation of his
25 license.

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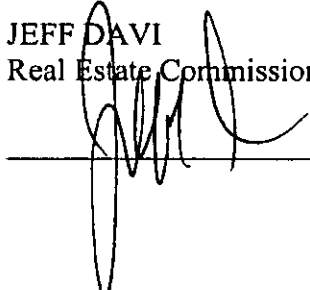
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1 Given the violations found and the fact that Respondent has not established that
2 Respondent has complied with Regulations 2911 (c), (i), (j), (l) and (n), I am not satisfied that
3 Respondent is sufficiently rehabilitated to receive a real estate salesperson license.

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

6 This Order shall become effective at 12 o'clock noon on JAN 19 2011.

7 IT IS SO ORDERED

8 JEFF DAVI
9 Real Estate Commissioner
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NOV 23 1992

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE
BY Laura B. Crona

* * * *

In the Matter of the Accusation of)

No. H- 24982 LA

DOUGLAS KIM THOMAS,)

L- 56831

Respondent.)

DECISION

The Proposed Decision dated November 5, 1992 of the Administrative Law Judge of the Office of Administrative Hearings, is hereby adopted as the Decision of the Real Estate Commissioner in the above-entitled matter.

The Decision suspends or revokes one or more real estate licenses on grounds of the conviction of a crime.

The right to reinstatement of a revoked real estate license or to the reduction of a suspension is controlled by Section 11522 of the Government Code. A copy of Section 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of respondent.

This Decision shall become effective at 12 o'clock noon on December 15, 1992.

IT IS SO ORDERED November 17, 1992

CLARK WALLACE
Real Estate Commissioner

John R. Liberator
By: John R. Liberator
Chief Deputy Commissioner

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of)
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)
 DOUGLAS KIM THOMAS,)
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 Respondent.)
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No. H-24982-LA

OAH. L-56831

PROPOSED DECISION

This matter came on regularly for hearing before Leslie H. Greenfield, Administrative Law Judge, Office of Administrative Hearings, on October 21, 1992 at Los Angeles, California.

Christopher K. D. Leong, Real Estate Counsel, represented the complainant. Although properly served with notice of time and place of hearing, respondent was not present at the hearing or represented by counsel.

Documentary evidence having been received and the matter submitted, the Administrative Law Judge finds as follows:

1. Steven J. Ellis, Deputy Real Estate Commissioner, Department of Real Estate, State of California, made the Accusation in his official capacity.
2. Respondent Douglas Kim Thomas, holds real estate salesperson's license no. 00806424, which expires February 7, 1994. Respondent has been so licensed since at least January 1, 1991.
3. A. On August 7, 1991, in the Los Angeles Municipal Court, Van Nuys Judicial District, County of Los Angeles, State of California, respondent was convicted, on his plea of nolo contendere, to a violation of Penal Code section 484 F(2) (forge name on credit card), a misdemeanor involving moral turpitude and substantially related to the duties, qualifications or functions of a real estate salesperson.
4. No evidence of mitigation or rehabilitation was received.

* * * * *

Pursuant to the foregoing findings of fact, the Administrative Law Judge makes the following determination of issues:

Grounds exist to revoke or suspend respondent's license pursuant to Business and Professions Code sections 490 and 10177(b), based on Finding 3.

* * * * *

WHEREFORE, THE FOLLOWING ORDER is hereby made:

Real estate salesperson's license no.00806424
issued to respondent Douglas Kim Thomas is revoked.

Dated: June 5, 1992



Leslie H. Greenfield
Administrative Law Judge
Office of Administrative Hearings

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

SEP 29 1992

DEPARTMENT OF REAL ESTATE
BY Jana B. Chona

In the Matter of the Accusation of

DOUGLAS KIM THOMAS,

Case No. H-24982 LA

OAH No. L-56831

Respondent

NOTICE OF HEARING ON ACCUSATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at _____

OFFICE OF ADMINISTRATIVE HEARINGS

314 W. FIRST STREET, LOS ANGELES, CALIFORNIA 90012

on OCTOBER 21, 1992 at the hour of 1:30 P.M.
or as soon thereafter as the matter can be heard, upon the Accusation served upon you.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter. The interpreter must be approved by the Administrative Law Judge conducting the hearing as someone who is proficient in both English and the language in which the witness will testify. You are required to pay the costs of the interpreter unless the Administrative Law Judge directs otherwise.

DEPARTMENT OF REAL ESTATE

Dated: September 28, 1992

By

Christopher K.D. Leong
CHRISTOPHER K.D. LEONG, Counsel

cc: Douglas Kim Thomas

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**BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA**

APR 15 1992

DEPARTMENT OF REAL ESTATE
BY Lana B. Dine

In the Matter of the Accusation of

DOUGLAS KIM THOMAS,

Case No. H-24982 LA

OAH No. L-56831

Respondent

NOTICE OF HEARING ON ACCUSATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at _____

OFFICE OF ADMINISTRATIVE HEARINGS

314 W. FIRST STREET, LOS ANGELES, CALIFORNIA 90012

on JULY 8, 1992, at the hour of 1:30 p.m.
or as soon thereafter as the matter can be heard, upon the Accusation served upon you.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

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Dated: April 15, 1992

DEPARTMENT OF REAL ESTATE

By

Christopher K.D. Leong
CHRISTOPHER K.D. LEONG, Counsel

cc: Douglas Kim Thomas
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play*

Christopher K.D. Leong, Counsel
Department of Real Estate
107 South Broadway, Room 8107
Los Angeles, California 90012
(213) 897-3937

FILED

FEB -4 1992

DEPARTMENT OF REAL ESTATE

BY *David H. Morgan*

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of	)	No. H-24982 LA
	)	
DOUGLAS KIM THOMAS,	)	<u>A C C U S A T I O N</u>
	)	
Respondent.	)	
	)	

The Complainant, Steven J. Ellis, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against DOUGLAS KIM THOMAS (hereinafter "Respondent"), is informed and alleges as follows:

I

The Complainant, Steven J. Ellis, a Deputy Real Estate Commissioner of the State of California, makes this Accusation against Respondent in his official capacity.

II

Respondent is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the Business and Professions Code (hereinafter "the Code") as a real estate salesperson.

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III

Respondent has been and now is licensed by the Department of Real Estate of the State of California (hereinafter the Department) as a real estate salesperson since said license was issued on December 31, 1980.

IV

On or about August 7, 1991, in the Los Angeles Municipal Court, Van Nuys Judicial District, Respondent was convicted of a violation of Section 484F(2) of the California Penal Code (Forge name on credit card).

V

Respondent's criminal conviction, as alleged above, is cause under Sections 10177(b) and 490 of the Code for the suspension or revocation of all licenses and license rights of Respondent under the Real Estate Law.

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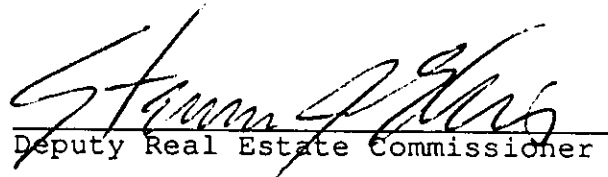
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1 WHEREFORE, Complainant prays that a hearing be conducted
2 on the allegations of this Accusation and that upon proof thereof,
3 a decision be rendered imposing disciplinary action against all
4 licenses and license rights of Respondent, DOUGLAS KIM THOMAS,
5 under the Real Estate Law (Part 1 of Division 4 of the Business
6 and Professions Code), and for such other and further relief as
7 may be proper under other applicable provisions of law.

8 Dated at Los Angeles, California

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12 Deputy Real Estate Commissioner
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23 cc: Douglas Kim Thomas
24 Michael William Ludecke
25 Sacto.
26 SE
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