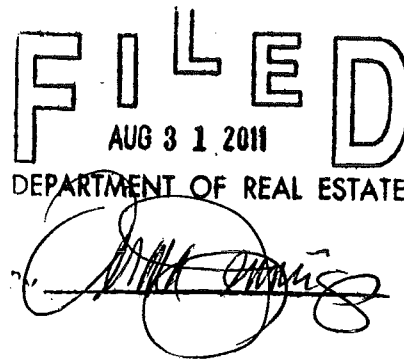


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BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

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In the Matter of the Accusation of  
GEORGE ALEXANDER,  
Respondent.

No. H-26586 LA

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

On November 12, 1996, a Decision was rendered revoking the real estate salesperson license of Respondent.

On October 29, 2009, Respondent petitioned for reinstatement of Respondent's real estate salesperson license. The Attorney General of the State of California has been given notice of the filing of the petition.

I have considered Respondent's petition and the evidence and arguments 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.

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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 The Department has developed criteria in Regulation 2911 to assist in evaluating  
6 the rehabilitation of an applicant for reinstatement of a license. Among the criteria relevant in  
7 this proceeding are:

8 Regulation 2911(j) – Discharge of, or bona fide efforts toward discharging,  
9 adjudicated debts or monetary obligations to others.

10 Respondent has not provided such proof for a County tax lien and a small claims  
11 court judgment filed against Respondent.

12 Regulation 2911(l) – Significant or conscientious involvement in community,  
13 church, or social programs.

14 Respondent has not provided proof of such involvement.

15 Regulation 2911(n)(1) and (5)– Change in attitude.

16 Respondent has not shown a change in attitude in that, Respondent failed to  
17 disclose a 2005 conviction for possession of marijuana, in his Petition Application.

18 Given the violation found and the fact that Respondent has not established that  
19 Respondent has complied with Regulation 2911(j), 2911(l), 2911(n)(1) and (n)(5), I am not  
20 satisfied that Respondent is sufficiently rehabilitated to receive an unrestricted real estate  
21 salesperson license.

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

24 I am satisfied, however, that it will not be against the public interest to issue a  
25 restricted real estate salesperson license to Respondent.

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1                   A restricted real estate salesperson license shall be issued to Respondent pursuant  
2 to Code Section 10156.5 if Respondent within twelve (12) months from the date hereof  
3 providing Respondent::

4                   (a) qualifies for, takes and passes the written examination required to obtain a real  
5 estate salesperson license;

6                   (b) makes application and pays the appropriate fee for said license;

7                   The restricted license issued to Respondent shall be subject to all of the provisions  
8 of Code Section 10156.7 and to the following limitations, conditions and restrictions imposed  
9 under authority of Code Section 10156.6:

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

14                  2. The restricted license issued to Respondent may be suspended prior to hearing  
15 by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that  
16 Respondent has violated provisions of the California Real Estate Law, Regulations of the Real  
17 Estate Commissioner or conditions attaching to the restricted license.

18                  3. Respondent shall not be eligible to apply for the issuance of an unrestricted  
19 real estate license nor for the removal of any of the conditions, limitations or restrictions of a  
20 restricted license until two (2) years have elapsed from the effective date of this Decision.

21                  4. Respondent shall submit with any application for license under an employing  
22 broker, or any application for transfer to a new employing broker, a statement signed by the  
23 prospective employing real estate broker on a form approved by the Department of Real Estate  
24 which shall certify:

25                  (a) That the employing broker has read the Decision of the Commissioner which  
26 granted the right to a restricted license; and

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1 (b) That the employing broker will exercise close supervision over the  
2 performance by the restricted licensee relating to activities for which a real estate license is  
3 required.

4 This Order shall become effective at 12 o'clock noon on SEP 20 2011.

5 IT IS SO ORDERED

6/29/11

7 BARBARA J. BIGBY  
8 Acting Real Estate Commissioner

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