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FILED

JAN 24 2014

BUREAU OF REAL ESTATE

By J. Lamont Peters

BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

TROY LAMONT PETERS,,

Respondent.

No. H-30314 LA

AMENDED ORDER

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

The Order filed November 24, 2010, is amended as follows:

On September 2, 2004, a Decision was rendered revoking Respondent's real estate broker license.

On June 22, 2008, Respondent petitioned for reinstatement of said real estate broker license.

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 broker license, in that:

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Respondent was involved in conduct involving dishonest dealings.

II

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).

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

Regulation 2911(k)—Correction of business practices

Respondent has not provided such proof. Respondent has been out of the business since his license was revoked.

Given the violations found and the fact that Respondent has not established that Respondent has complied with Regulation 2911(k), I am not satisfied that Respondent is sufficiently rehabilitated to receive a real estate broker license.

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

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

A restricted real estate broker license shall be issued to Respondent pursuant to Code Section 10156.5 if Respondent satisfies the following conditions;

- (a) Qualifies for, takes, and passes, the real estate broker license examination.
- (b) Submits a completed application and pays the appropriate fee for a real estate broker license.

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1 The restricted license issued to Respondent shall be subject to all of the
2 provisions of Code Section 10156.7 and to the following limitations, conditions and restrictions
3 imposed under authority of Code Section 10156.6.

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

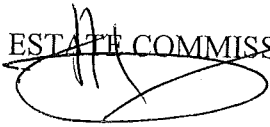
8 2. The restricted license issued to Respondent may be suspended prior to hearing
9 by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that
10 Respondent has violated provisions of the California Real Estate Law, Regulations of the Real
11 Estate Commissioner or conditions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

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

15 This Order shall become effective at 12 o'clock noon on FEB 14 2014

16 IT IS SO ORDERED JAN 22 2014

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18 REAL ESTATE COMMISSIONER

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21 By: **JEFFREY MASON**
22 Chief Deputy Commissioner
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