

*File*

**FILED**

FEB 26 2013

DEPARTMENT OF REAL ESTATE  
BY: *R. Hebert*

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

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In the Matter of the Application of  
MICHAEL ROGER CHAMBERLAIN,  
Respondent.

H-30871 LA

ORDER DENYING REMOVAL OF RESTRICTIONS

On July 26, 2004, a Decision was rendered denying Respondent's license application, but granting Respondent the right to a restricted real estate salesperson license. Respondent was convicted in 1992 and 1998 of possession of a controlled substance. In 2003, Respondent failed to disclose a 1998 battery conviction on Respondent's license application. A restricted real estate salesperson license was issued to Respondent on August 28, 2004.

On June 10, 2011, Respondent petitioned for removal of restrictions from said real estate salesperson license.

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 removal of restrictions from Respondent's real estate salesperson license at this time.

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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 Section 2911 of Title 10, California  
6 Code of Regulations (Regulations) to assist in evaluating the rehabilitation of an applicant for  
7 removal of restrictions from a license. Among the criteria relevant in this proceeding are:

8 Regulation 2911(c) - Expungement of convictions

9 Respondent has not provided proof that all convictions have been expunged.

10 Regulation 2911(l) - Significant or conscientious involvement in community,  
11 church or privately-sponsored programs designed to provide social benefits or to ameliorate  
12 social problems.

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

14 Regulation 2911(n)(1)—Change in attitude

15 Respondent denies being involved in illegal activities or violating the law.

16 Given the violations found and the fact that Respondent has not established that  
17 Respondent has complied with Regulations 2911 (c), (l), and (n)(1), I am not satisfied that  
18 Respondent is sufficiently rehabilitated for the removal of restrictions from his real estate  
19 salesperson license.

20 NOW, THEREFORE, IT IS ORDERED that Respondent's petition for removal of  
21 restrictions on Respondent's real estate license is denied.

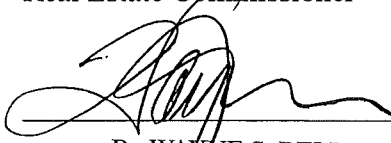
22 This Order shall become effective at 12 o'clock noon on

MAR 18 2013

23 IT IS SO ORDERED

Nov. 9, 2012

24 Real Estate Commissioner

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26 By WAYNE S. BELL  
27 Chief Counsel