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**FILED**

FEB 27 2010

DEPARTMENT OF REAL ESTATE

By L. Lust

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

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In the Matter of the Accusation of  
DUSTIN MICHAEL REEVES,  
Respondent.

No. H-31076 LA

ORDER DENYING REINSTATEMENT OF LICENSE

On February 7, 2006, a Decision was rendered revoking the real estate salesperson license of Respondent, effective April 25, 2006. It had been determined that there was cause to revoke Respondent's license pursuant to Business and Professions Code Sections 490 and 10177(b), for criminal convictions.

On May 29, 2008, 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.

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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 reinstatement of a license. Among the criteria relevant in this proceeding are:

8 Regulation 2911(j)-Discharge of debts or monetary obligations

9 On or about December 20, 2005, a civil judgment was entered against Respondent  
10 for \$4,850. Respondent has not provided proof that said judgment has been paid, or that  
11 Respondent has made bona fide efforts toward paying said judgment.

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

14 (1) Testimony of applicant.

15 In response to question no. 4 on Respondent's Petition Application, to wit: "Have  
16 you ever been a defendant in any civil court litigation, including small claims court?",  
17 Respondent marked the box denoting "No" and failed to disclose the small claims court  
18 judgment against him.

19 This evidences a lack of change in attitude.

20 (2) Evidence from family members, friends or other persons familiar with  
21 applicant's previous conduct and with Respondent's subsequent attitudes and behavioral  
22 patterns.

23 (3) Evidence from probation or parole officers or law enforcement officials  
24 competent to testify as to applicant's social adjustments.

25 (4) Evidence from psychiatrists or other persons competent to testify with regard  
26 to neuropsychiatric or emotional disturbances.

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1                   (5) Absence of subsequent felony or misdemeanor convictions that are reflective  
2 of an inability to conform to societal rules when considered in light of the conduct in question.

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

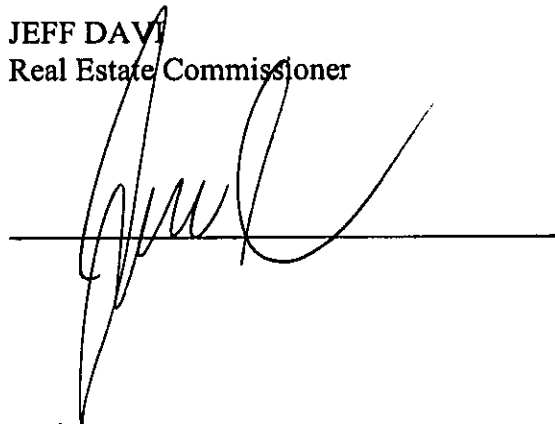
6                   NOW, THEREFORE, IT IS ORDERED that Respondent's petition for  
7 reinstatement of Respondent's real estate salesperson license is denied.

8                   This Order shall become effective at 12 o'clock noon on MAR 19, 2010.

9                   IT IS SO ORDERED                   2-3-2010

10                                   JEFF DAVIS  
11                                   Real Estate Commissioner

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*Steve B. Dine*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of )  
DUSTIN MICHAEL REEVES, )  
Respondent. )

No. H-31076 LA

DECISION

This Decision is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on April 28, 2005, and the findings of fact set forth herein are based on one or more of the following: (1) Respondent's express admissions; (2) affidavits; and (3) other evidence.

This Decision revokes a real estate license 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.

FINDINGS OF FACT

I

On July 8, 2004, Maria Suarez made the Accusation in her official capacity as a Deputy Real Estate Commissioner of the State of California. The Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified mail, to Respondent DUSTIN MICHAEL REEVES'S last known mailing address on file with the Department on August 6, 2004 and July 16, 2004.

On April 28, 2005, no Notice of Defense having been filed herein within the time prescribed by Section 11506 of the Government Code, Respondent's default was entered herein.

## II

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

## III

On or about January 13, 2004, in the Superior Court of California, County of San Bernadino, State of California, Respondent was convicted of violation of Section 487(a) of the California Penal Code (Grand Theft of Property Worth over Four Hundred Dollars (\$400.00) and convicted of violation of Section 10851(a) of the California Vehicle Code (Unlawful Driving or Taking of a Vehicle).

## IV

The evidence established that the crimes of which Respondent was convicted involve moral turpitude and are substantially related to the qualifications, functions and duties of a real estate licensee.

## DETERMINATION OF ISSUES

### I

Cause for disciplinary action against Respondent exists pursuant to Business and Professions Code Sections 490 and 10177(b).

### II

The standard of proof applied was clear and convincing proof to a reasonable certainty.

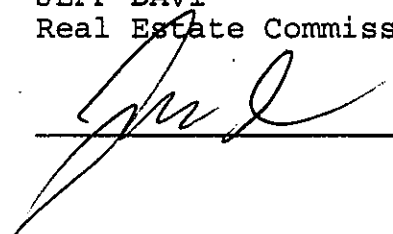
ORDER

The licenses and license rights of Respondent DUSTIN  
MICHAEL REEVES under the provisions of Part I of Division 4 of  
the Business and Professions Code, are revoked.

This Decision shall become effective at 12 o'clock  
noon APR 25 2008.

DATED: 2-7-06.

JEFF DAVI  
Real Estate Commissioner

  
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1 Department of Real Estate  
2 320 West Fourth Street, Suite 350  
3 Los Angeles, California 90013-1105  
4 (213) 576-6982

FILED  
APR 28 2005

DEPARTMENT OF REAL ESTATE

By 

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8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \* \*

11 In the Matter of the Accusation of )  
12 DUSTIN MICHAEL REEVES, )  
13 Respondent. )

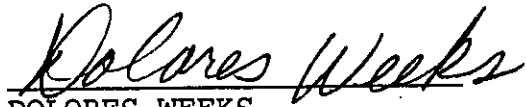
NO. H-31076 LA  
DEFAULT ORDER

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15 Respondent, DUSTIN MICHAEL REEVES, having failed to  
16 file a Notice of Defense within the time required by Section  
17 11506 of the Government Code, is now in default. It is,  
18 therefore, ordered that a default be entered on the record in  
19 this matter.

20 IT IS SO ORDERED

April 28, 2005

21  
22 JEFF DAVI  
Real Estate Commissioner

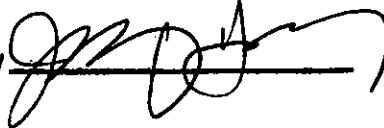
23  
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25 By: DOLORES WEEKS  
Regional Manager  
26  
27

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(Direct) (213) 576-6905

**FILED**  
JUL 16 2004

DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of )	No. H-31076 LA
DUSTIN MICHAEL REEVES, )	<u>A C C U S A T I O N</u>
Respondent. )	

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against DUSTIN MICHAEL REEVES ("Respondent") alleges as follows:

I

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, makes this Accusation in her official capacity.

II

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

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III

On or about January 13, 2004, in the Superior Court of California, County of San Bernardino, Respondent DUSTIN MICHAEL REEVES, was convicted in case No. FWV028824 of two (2) counts of violating Section 487, subdivision (a) of the California Penal Code (Grand Theft of Property Worth over Four Hundred Dollars (\$400.00)), and in case No. FWV028866 of one (1) count of violating Section 10851, subdivision (a) of the California Vehicle Code (Unlawful Driving of Taking of a Vehicle.) These crimes involve moral turpitude, and bear a substantial relationship under Section 2910, Title 10, Chapter 6, California Code of Regulations to the qualifications, functions or duties of a real estate licensee.

IV

The crimes of which Respondent was convicted, as described in Paragraph III above, constitute cause under Sections 490 and 10177(b) of the Code for the suspension or revocation of the license and license rights of Respondent under the Real Estate Law.

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

9 Dated at Los Angeles, California

10 this 14th day of July, 2004.

11   
12 Maria Suarez  
13 Deputy Real Estate Commissioner

14 cc: DUSTIN MICHAEL REEVES  
15 Maria Suarez  
16 Sacto.  
17 LF  
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