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FILED

DEC 04 2013

BUREAU OF REAL ESTATE

By *J. A. [Signature]*

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

KIP R. PIERCE,

Respondent.

No. H-31404 LA

ORDER DENYING REINSTATEMENT OF LICENSE

On August 16, 2005, a Decision was rendered providing for the revocation of the real estate broker license of Respondent, but granting Respondent the right to apply for a restricted real estate salesperson license. The license was issued October 21, 2005, and Respondent has held the license without disciplinary action since that time. The basis for the decision was revocation of Respondent's Oregon real estate license in 2002.

On March 8, 2012, Respondent petitioned for reinstatement of said real estate broker license. 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 broker license at this time.

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

8 Regulation 2911(j)—Discharge of, or bona fide efforts toward discharging
9 monetary obligations toward others

10 Respondent has unpaid Federal Tax liens from 2009 for \$12,376 and \$16,051.

11 Regulation 2911(n)(1) and (2)—Change in attitude from that which existed at the
12 time of the conduct in question as evidenced by any or all of the following:

13 (1) Testimony of Applicant.

14 (2) Evidence from family members, friends or other persons familiar with
15 applicant's previous conduct and with his subsequent attitudes and behavioral
16 patterns.

17 Respondent continues to deny any unlawful or illegal activities which resulted in
18 revocation of his Oregon real estate license. Respondent submitted several letters of reference
19 but they do not indicate that the person writing the letter is aware of applicant's previous conduct
20 which resulted in the revocation of his Oregon real estate license.

21 Pursuant to Regulation 2911 (j) and (n)(1) and (2), I am not satisfied that
22 Respondent is to be reinstated to a real estate broker license.

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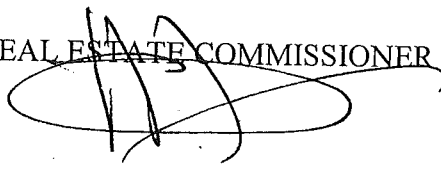
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1 NOW, THEREFORE, IT IS ORDERED that Respondent's petition for
2 reinstatement of Respondent's real estate broker license is denied.

3 This Order shall become effective at 12 o'clock noon on DEC 26 2013

4 IT IS SO ORDERED NOV 22 2013

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6 REAL ESTATE COMMISSIONER
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9 By: JEFFREY MASON
10 Chief Deputy Commissioner
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