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FILED

NOV 30 2011

DEPARTMENT OF REAL ESTATE

BY: *[Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Application of

MATTHEW JOHN ROYBAL,

Respondent.

No. H-32546 LA

ORDER DENYING REMOVAL OF RESTRICTIONS ON LICENSE

On May 17, 2006, a Decision was rendered granting a restricted real estate salesperson license to Respondent. A restricted real estate salesperson license was issued to Respondent on July 1, 2006.

On April 22, 2010, Respondent petitioned for reinstatement of 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 reinstatement of Respondent's real estate salesperson license at this time.

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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 Department has developed criteria in Section 2911 of Title 10, 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 (a) - -passage of sufficient time to show rehabilitation

In 2002, Respondent was convicted of assault by means of force likely to produce great bodily injury; burglary; battery upon an officer and emergency personnel; and resist, obstruct, or delay of emergency medical technician. In 2009, Respondent was convicted of alcohol related reckless driving. A longer period of time is required to assess Respondent's rehabilitation given Respondent's history of acts and conduct that is substantially related to the qualifications, functions or duties of a real estate licensee.

Given the fact that Respondent has not established that Respondent has complied with Regulation 2911(a), I am not satisfied that Respondent is sufficiently rehabilitated to receive an unrestricted real estate salesperson license.

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

This Order shall become effective at 12 o'clock noon on DEC 20 2011

IT IS SO ORDERED 8/5/11

BARBARA J. BIGBY
Acting Real Estate Commissioner

