

FILED

MAR 28 2018

BUREAU OF REAL ESTATE

By R. Pessell

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Application of

TONY HALIEM AYOUB,

Respondent.

No. H-33265 LA

ORDER DENYING REMOVAL OF RESTRICTIONS ON LICENSE

On February 2, 2007, a Decision was rendered herein denying Respondent's application for a real estate salesperson license, but granting Respondent the right to the issuance of a restricted real estate salesperson license. A restricted real estate salesperson license was issued to Respondent on March 5, 2007, and Respondent has held a restricted license since that time.

On April 10, 2017, Respondent petitioned for the removal of restrictions attaching to Respondent's real estate salesperson license.

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).

I have considered Respondent's petition and the evidence submitted in support

1 thereof.

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

5 Regulation 2911(j) Discharge of, or bona fide efforts toward discharging,
6 adjudicated debts or monetary obligations to others.

7 On October 3, 2012, a Certificate for Lien of Unsecured Property Taxes was filed
8 against Respondent by the Orange County Clerk-Recorder. Respondent has produced no
9 evidence of bona fide efforts toward discharging this monetary obligation.

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

12 (1) Testimony of applicant.

13 In response to Question 4A is his Enforcement Petition Application, to wit: "Do
14 you have any past debts, outstanding judgments, or have you filed bankruptcy?", Respondent
15 answered "no", and failed to disclose the lien described above. In *Harrington vs. Dept. of Real*
16 *Estate (1989)*, 214 Cal. App. 3d, 394, the court stated that lack of candor in completing a license
17 application is itself sufficient to sustain a finding that the applicant does not yet appreciate the
18 need to speak honestly about and to accept responsibility for one's actions.

19 Respondent has failed to demonstrate to my satisfaction that Respondent has
20 undergone sufficient rehabilitation to warrant the removal of the restrictions on Respondent's real
21 estate salesperson license at this time.

22 Given the fact that Respondent has not established that Respondent has complied
23 with Regulations 2911(j) and (n)(1), I am not satisfied that Respondent is sufficiently
24 rehabilitated to receive an unrestricted salesperson license.

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

3 This Order shall become effective at 12 o'clock noon on APR 17 2018

4 DATED March 22, 2018

5 WAYNE S. BELL
6 REAL ESTATE COMMISSIONER

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9 By: DANIEL J. SANDRI
10 Chief Deputy Commissioner
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