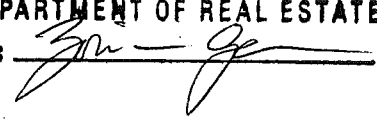


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FILED

APR 30 2012

DEPARTMENT OF REAL ESTATE

BY: 

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

ANDY CHANG,

Respondent.

No. H-33496 LA

ORDER DENYING REINSTATEMENT OF LICENSE

On April 24, 2007, a Decision was rendered revoking Respondent's real estate broker license, but granting the right to a restricted broker license. A restricted broker license was issued May 29, 2007 and will expire May 28, 2015.

On May 24, 2011, Respondent petitioned for reinstatement of Respondent's real estate broker license.

I have considered Respondent's petition and the evidence and arguments 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, in that:

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1 I

2 The burden of proving rehabilitation rests with the petitioner (*Feinstein v. State*
3 *Bar* (1952) 39 Cal. 2d 541). A petitioner is required to show greater proof of honesty and
4 integrity than an applicant for first time licensure. The proof must be sufficient to overcome the
5 prior adverse judgment on the applicant's character (*Tardiff v. State Bar* (1980) 27 Cal. 3d 395).

6 II

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

10 Regulation 2911(l) – Significant or conscientious involvement in community,
11 church or social programs

12 Respondent has not submitted such proof.

13 Regulation 2911(n)(1)—Change in Attitude

14 Respondent failed to disclose in his Petition a conviction in 2002 for driving
15 under the influence and a conviction in 2006 for hit and run.

16 Regulation 2911(n)(2)—Testimony of Others

17 Respondent failed to submit requested letters of reference.

18 Regulation 2911(n)(5) – Change in attitude as evidenced by absence of
19 subsequent convictions

20 In 2011, Respondent was convicted of driving under the influence. Respondent
21 was placed on five years informal probation on terms and conditions .

22 Given the violations found and the fact that Respondent has not established that
23 Respondent has complied with Regulations 2911(l) and (n)(1), (2), and (5) I am not satisfied that
24 Respondent is sufficiently rehabilitated to receive a real estate broker license.

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

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This Order shall become effective at 12 o'clock noon on MAY 21 2012.

IT IS SO ORDERED 2/28/12

BARBARA J. BIGBY
Acting Real Estate Commissioner



A handwritten signature in cursive script, appearing to read 'Barbara J. Bigby', is written over a horizontal line.