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SEP 17 2013

BUREAU OF REAL ESTATE

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BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of
MARK AMAR VACHANI,
Respondent.

No. H-33585 LA

ORDER DENYING REINSTATEMENT OF LICENSE

On December 23, 2008, a Decision was rendered herein revoking the real broker license of Respondent, but granting Respondent the right to apply for a restricted broker license. The restricted license was issued on March 12, 2009. Respondent has held the license since that time.

On November 7, 2011, Respondent petitioned for removal of restrictions 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 removal of restrictions of Respondent's real estate broker 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:

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

10 Respondent has not provided proof that he has paid at least seven civil cases filed
11 against him.

12 Regulation 2911(n)(1)—change in attitude

13 The monetary obligations set forth above were not disclosed in the Petition
14 Application.

15 Pursuant to Regulations 2911 (j) and (n)(1), I am not satisfied that Respondent is
16 sufficiently rehabilitated to have the restrictions removed from his broker license.

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

19 This Order shall become effective at 12 o'clock noon on OCT 07 2013.

20 IT IS SO ORDERED September 9, 2013

21 REAL ESTATE COMMISSIONER

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24 By: JEFFREY MASON
25 Chief Deputy Commissioner
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