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FILED

JUL 18 2012

DEPARTMENT OF REAL ESTATE

BY: *R. Heideholt*

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

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In the Matter of the Accusation of
CHARLES BARRY MOWRY,
Respondent.

No. H-34292 LA

ORDER DENYING REINSTATEMENT OF LICENSE

On August 13, 2008, a Decision was rendered revoking the real estate broker license of Respondent. It had been determined that there was cause to revoke Respondent's license for violation of Business and Professions Code ("Code") Sections 10137, 10240, 10241, 10177(d), 10177(g) and Section 2840 of Title 10, California Code of Regulations (Regulations).

On January 5, 2011, 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.

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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 Regulation 2911 to assist in evaluating
6 the rehabilitation of an applicant for reinstatement of a license. Among the criteria relevant in
7 this proceeding are:

8 Regulation 2911(i) – Completion of, or sustained enrollment in, formal
9 educational or vocational training courses for economic self-improvement.

10 Respondent has submitted such proof.

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

13 Respondent has not provided such proof for a tax lien filed against Respondent in
14 the amount of \$190.

15 Regulation 2911(l) – Significant or conscientious involvement in community,
16 church or social programs.

17 Respondent has not provided such proof.

18 Regulation 2911(n)(1) - Change in attitude from that which existed at the time of
19 the conduct in question as evidenced by the testimony of Respondent.

20 Attempts to contact Respondent for an interview were not successful.

21 Regulation 2911(n)(2) - Evidence from others of a change in attitude from that
22 which existed at the time of the conduct in question.

23 Respondent has not submitted such evidence.

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

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

This Order shall become effective at 12 o'clock noon on **AUG - 7 2012**

IT IS SO ORDERED

Real Estate Commissioner

By WAYNE S. BELL
Chief Counsel