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DEPT. OF REAL ESTATE

By

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of

RICHARD IRA SINDELL,

Respondent.

No. H-36157 LA

ORDER DENYING REINSTATEMENT OF LICENSE  
BUT GRANTING RIGHT TO A RESTRICTED LICENSE

On July 2, 2012, in Case No. H-36157 LA, an Order was executed which accepted the petition for voluntary surrender of the real estate broker license of Respondent. The Order became effective on August 1, 2012.

On February 2, 2020, Respondent petitioned for reinstatement of said real estate broker license, and the Attorney General of the State of California has been given notice of the filing of said petition.

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 Department has developed criteria in Section 2911 of Title 10, California  
3 Code of Regulations (Regulations) to assist in evaluating the rehabilitation of an applicant for  
4 reinstatement of a license. Among the criteria relevant in this proceeding is:

5  
6 ***2911. Criteria for Rehabilitation (Denial)***

7 *(a) (12) Significant or conscientious involvement in community, church or*  
8 *privately-sponsored programs designed to provide social benefits or to*  
9 *ameliorate social problems.*

10 In response to Question 18 of Respondent's Petition Application, to wit: "Since the  
11 date of discipline, are you or have you been active in social, civic, or community groups?",  
12 Respondent answered "no".

13 Respondent has failed to demonstrate to my satisfaction that Respondent has  
14 undergone sufficient rehabilitation to warrant the reinstatement of Respondent's unrestricted real  
15 estate broker license.

16 I am satisfied, however, that it will not be against the public interest to issue a  
17 restricted real estate broker license to Respondent.

18 A restricted real estate broker license shall be issued to Respondent pursuant to  
19 Section 10156.5 of the Business and Professions Code, if Respondent satisfies the following  
20 conditions prior to and as a condition of obtaining a restricted real estate broker license within  
21 twelve (12) months from the effective date of this Order:

- 22 1. Respondent shall qualify for, take and pass the real estate broker license  
23 examination.
- 24 2. Submittal of a completed application and payment of the fee for a real  
25 estate broker license.

26 The restricted license issued to Respondent shall be subject to all of the provisions  
27 of Section 10156.7 of the Business and Professions Code and to the following limitations,  
conditions and restrictions imposed under authority of Section 10156.6 of that Code:

1           A.     The restricted license issued to Respondent may be suspended prior to  
2 hearing by Order of the Real Estate Commissioner in the event of Respondent's conviction or  
3 plea of nolo contendere to a crime which is substantially related to Respondent's fitness or  
4 capacity as a real estate licensee.

5           B.     The restricted license issued to Respondent may be suspended prior to  
6 hearing by Order of the Real Estate Commissioner on evidence satisfactory to the  
7 Commissioner that Respondent has violated provisions of the California Real Estate Law, the  
8 Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to  
9 the restricted license.

10          C.     Respondent shall not be eligible to apply for the issuance of an  
11 unrestricted real estate license nor the removal of any of the limitations, conditions or  
12 restrictions of a restricted license until two (2) years have elapsed from the date of the issuance  
13 of the restricted license to Respondent.

14                If Respondent fails to meet the above requirements, and those of sections  
15 10150.6, 10153 and 10153.2 of the California Business & Professions Code, to qualify for the  
16 issuance of a real estate broker license, Respondent may be issued a real estate salesperson  
17 license if Respondent qualifies for, takes and passes the examination for a real estate salesperson  
18 license, submits a completed application and pays the required fee for a salesperson license  
19 within the 12 month period following the date of this order, and meets all of the other  
20 requirements for issuance of a real estate salesperson license, including but not limited to section  
21 10151 of the California Business & Professions Code.

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This Order shall become effective at 12 o'clock noon on December 24, 2020.

IT IS SO ORDERED 10.30.20

DOUGLAS R. McCAULEY  
REAL ESTATE COMMISSIONER

