

FILED

JUN 16 2017

BUREAU OF REAL ESTATE

By L. Posad

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

RYAN MICHAEL DOLL,

No. H-36377 LA

Respondent.

ORDER DENYING REINSTATEMENT OF LICENSE

On February 2, 2010, a Decision was rendered in Case No. H-36377 LA revoking the real estate salesperson license of Respondent effective March 2, 2010, 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 2, 2010, and Respondent has held a restricted licensee since that time.

The Decision rendered in Case No. H-36377 LA, stated that the restricted license issued to Respondent may be suspended if Respondent failed to satisfy the following condition:

“Six months after the issuance of the restricted license, and at six month intervals thereafter during the term of any restricted license issued pursuant to this Decision, Respondent shall provide proof acceptable to the Real Estate Commissioner that, during the preceding six months, Respondent has, each and every week, attended one or more sessions of Alcoholics Anonymous or similar Twelve Step or substance abuse programs, or that such attendance in any week was impractical due to travel for work, the illness of Respondent or a member of Respondent’s family, vacation, incarceration, residential treatment for substance abuse,

1 extreme personal hardship for Respondent or a member of Respondent's family, or family
2 emergency."

3 On October 29, 2014 and December 4, 2014, the Bureau of Real Estate sent letters
4 to Respondent, warning that his restricted license would be suspended if he did not submit proof
5 of attendance in an alcohol program, for the six month period ending in September 2014. On
6 October 23, 2015, Respondent's license was suspended until such time as he submitted proof of
7 compliance with the terms set forth above. Respondent has not submitted any such proof of
8 compliance, and his license remains suspended to date.

9 On September 26, 2016, Respondent petitioned for reinstatement of said real estate
10 salesperson license, and the Attorney General of the State of California has been given notice of
11 the filing of said petition.

12
13 The burden of proving rehabilitation rests with the petitioner (*Feinstein v. State*
14 *Bar* (1952) 39 Cal. 2d 541). A petitioner is required to show greater proof of honesty and
15 integrity than an applicant for first time licensure. The proof must be sufficient to overcome the
16 prior adverse judgment on the applicant's character (*Tardiff v. State Bar* (1980) 27 Cal. 3d 395).

17 I have considered the petition of Respondent and the evidence submitted in
18 support thereof.

19 The Bureau has developed criteria in Section 2911 of Title 10, California Code of
20 Regulations (Regulations) to assist in evaluating the rehabilitation of an applicant for
21 reinstatement of a license. Among the criteria relevant in this proceeding are:

22 Regulation 2911(a) The passage of not less than two years since the most recent
23 criminal conviction or act of the applicant that is a basis to deny the Bureau action sought. (A
24 longer period will be required if there is a history of acts or conduct substantially related to the
25 qualifications, functions or duties of a licensee of the Bureau.)

26 The continuing violation of the terms of his restricted license constitutes a
27

1 violation of Business and Professions Code Section 10177(k) and is an act that is
2 a basis to deny reinstatement of an unrestricted license.

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

5 (1) Testimony of applicant.

6 Respondent's continuing failure to comply with the terms of his restricted license
7 indicates that his attitude has not changed sufficiently to justify issuance of an
8 unrestricted license.

9 Respondent has failed to demonstrate to my satisfaction that Respondent has
10 undergone sufficient rehabilitation to warrant the reinstatement of Respondent's real estate
11 salesperson license at this time.

12
13 Given the violations found and the fact that Respondent has not established that
14 Respondent has satisfied Regulations 2911(a) and (n)(1), I am not satisfied that Respondent is
15 sufficiently rehabilitated to receive a real estate salesperson license.

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

JUN 26 2017

18 This Order shall become effective at 12 o'clock noon on _____.

19 IT IS SO ORDERED _____

20 WAYNE S. BELL
21 REAL ESTATE COMMISSIONER

