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BUREAU OF REAL ESTATE

By S. Black

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BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of

RYAN WILLIAM MARIER,

No. H-37126 LA

Respondent.

ORDER DENYING REINSTATEMENT OF LICENSE

BUT GRANTING RIGHT TO A RESTRICTED LICENSE

On August 24, 2011, in Case No. H-37126 LA, a Decision was rendered revoking the real estate broker license of Respondent effective September 19, 2011.

On February 10, 2015, 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 thereof.

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

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

6 Respondent listed 5 civil judgments in his application. Two of them have been
7 satisfied and dismissed. Two others were settled, with no evidence that Respondent has
8 defaulted on repayment. One judgment, a 2011 Breach of Lease Agreement before the Orange
9 County Superior Court, Respondent's Petition Application states that the judgment has not been
10 satisfied, with no explanation for why. (Note this was a \$4,500 small claims
11 judgment. Respondent has satisfied other judgments for substantially more money). This is the
12 only reason why we cannot grant a plenary broker's license.

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 3. Respondent shall provide proof that reimbursement of the advance fees
27 paid by Wilfred J. Caron in the amount of \$2,495.00 and Timothy Wayne Girard in the amount

1 of \$2,090.00 has been made. If Respondent can not provide such evidence, the monies owed to
2 Wilfred J. Caron and Timothy Wayne Girard shall be subject to the Unclaimed Property Law
3 (Code of Civil Procedure Sections 1500 et. Seq.), and those monies shall be remitted to the
4 California's State Controller. Until Respondent provides proof satisfactory to the Commissioner,
5 the Commissioner will deny any and all licenses.

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

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

13 B. The restricted license issued to Respondent may be suspended prior to
14 hearing by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner
15 that Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands
16 Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted
17 license.

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

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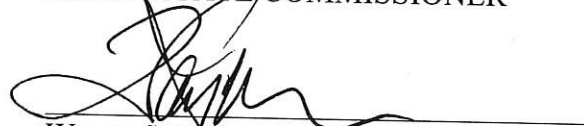
1 D. Respondent shall notify the Commissioner in writing within 72 hours of
2 any arrest by sending a certified letter to the Commissioner at the Bureau of Real Estate, Post
3 Office Box 137007, Sacramento, CA 95813-7007. The letter shall set forth the date of
4 Respondent's arrest, the crime for which Respondent was arrested and the name and address of
5 the arresting law enforcement agency. Respondent's failure to timely file written notice shall
6 constitute an independent violation of the terms of the restricted license and shall be grounds for
7 the suspension or revocation of that license.

8 This Order shall become effective at 12 o'clock noon on **JAN 04 2016**

9 IT IS SO ORDERED

12/11/2015

10 REAL ESTATE COMMISSIONER

11 
12
13 Wayne S. Bell