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**FILED**

MAR 29 2018

BUREAU OF REAL ESTATE

By R POSADIC

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

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In the Matter of the Accusation of

ERICK GIOVONNI BURTON,

Respondent.

No. H-38654 LA

ORDER DENYING REINSTATEMENT OF LICENSE

On July 13, 2013, a Decision was rendered in Case No. H-38654 LA, revoking the real estate broker license of Respondent effective August 6, 2013.

On August 22, 2017, 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 the petition of Respondent 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. Criteria of Rehabilitation

5           10)   Discharge of, or bona fide efforts toward discharging, adjudicated debts or  
6 monetary obligations to others.

7           On April 27, 2017, a State Tax Lien for \$9,926 was filed against Respondent. He  
8 has submitted no evidence of discharging, or bona fide efforts toward discharging, this monetary  
9 obligation.

10          14)   Change in attitude from that which existed at the time of the conduct in  
11 question as evidenced by following:

12           (B)   Evidence from family members, friends and/or other persons familiar with  
13 applicant's previous conduct and with his or her subsequent attitudes and/or behavioral patterns.

14           Respondent has presented no such evidence.

15           (E)   Absence of subsequent felony or misdemeanor convictions or other  
16 conduct that provides grounds to discipline a real estate licensee, which reflect an inability to  
17 conform to societal rules when considered in light of the conduct in question.

18           On September 25, 2014, before the Superior Court of California, County of Los  
19 Angeles, Case No. 4LG00474, Respondent was convicted for violating Penal Code section  
20 148 (a)(1) (obstruction of a public officer), a misdemeanor.

21           Respondent has failed to demonstrate to my satisfaction that Respondent has  
22 undergone sufficient rehabilitation to warrant the reinstatement of Respondent's real estate  
23 broker license at this time.

24           Given the violations found and the fact that Respondent has not established that  
25 Respondent has satisfied Regulations 2911(a)(10) and (14), I am not satisfied that Respondent is  
26 sufficiently rehabilitated to receive a real estate broker license.

27   ///

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

3                    This Order shall become effective at 12 o'clock noon on

**APR 18 2018**

4 IT IS SO ORDERED March 27, 2018

5                    WAYNE S. BELL  
6                    REAL ESTATE COMMISSIONER

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9                    By: DANIEL J. SANDRI  
10                    Chief Deputy Commissioner

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