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FILED

JUN 17 2019

DEPT. OF REAL ESTATE

By R. Posada

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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In the Matter of the Accusation of

HOWARD WILLIAM WATSON,

No. H-38914 LA

Respondent.

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

On May 7, 2014, in Case No. H-38914 LA, a Decision was rendered revoking the real estate salesperson license of Respondent effective June 4, 2014.

On January 16, 2019, Respondent petitioned for reinstatement of said real estate salesperson 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.

1 The Department has developed criteria in Section 2911 of Title 10, California
2 Code of 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:

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

6 *(a) (1) The time that has elapsed since commission of the acts(s) or offense(s):*
7 *(A) The passage of less than two years after the most recent criminal conviction*
8 *or act of the applicant that is a cause of action in the Bureau's Statement of Issues*
9 *against the applicant is inadequate to demonstrate rehabilitation.*
10 *(B) Notwithstanding subdivision (a)(1)(A), above, the two year period may be*
11 *increased based upon consideration of the following:*
12 *(i) The nature and severity of the crime(s) and/or act(s) committed by the*
13 *Applicant.*

14 Respondent had four felony convictions between November 2010 and October
15 2011. These included convictions for receipt of stolen property, passing fictitious
16 bills with intent to defraud (two counts), and second degree robbery. The nature
17 and severity of these crimes requires that more time to demonstrate full
18 rehabilitation.

19 *(3) Expungement of criminal convictions.*

20 There is no evidence that any of Respondent's convictions have been expunged.

21 *(14) Change in attitude from that which existed at the time of the conduct in*
22 *question as evidenced by the following:*

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

26 Although Respondent submitted reference letters, none of the letters express
27 knowledge of the crimes that led to Respondent's license revocation.

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

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

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

5 1. Respondent shall qualify for, take and pass the real estate salesperson
6 license examination.

7 2. Submittal of a completed application and payment of the fee for a real
8 estate salesperson license.

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

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

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

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

25 D. Respondent shall submit with any application for license under an
26 employing broker, or any application for transfer to a new employing broker, a statement signed
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1 by the prospective employing real estate broker on a form approved by the Department of Real
2 Estate which shall certify:

3 1. That the employing broker has read the Decision of the Commissioner
4 which granted the right to a restricted license; and

5 2. That the employing broker will exercise close supervision over the
6 performance by the restricted licensee relating to activities for which a real estate license is
7 required.

8 E. Respondent shall notify the Commissioner in writing within 72 hours of
9 any arrest by sending a certified letter to the Commissioner at the Department of Real Estate, Post
10 Office Box 137007, Sacramento, CA 95813-7007. The letter shall set forth the date of
11 Respondent's arrest, the crime for which Respondent was arrested and the name and address of
12 the arresting law enforcement agency. Respondent's failure to timely file written notice shall
13 constitute an independent violation of the terms of the restricted license and shall be grounds for
14 the suspension or revocation of that license.

15 This Order shall become effective at 12 o'clock noon on JUL 07 2019.

16 IT IS SO ORDERED June 13, 2019

17 DANIEL J. SANDRI
18 ACTING REAL ESTATE COMMISSIONER

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