

FILED

AUG 30 2022

DEPT. OF REAL ESTATE

By R. Rosode

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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In the Matter of the Application of

EVERY FLOYD RICHEY,

No. H-41275 LA

Respondent.

ORDER DENYING REMOVAL OF RESTRICTIONS ON LICENSE

On January 8, 2019, a Decision was rendered herein denying Respondent's application for a real estate salesperson license, 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 January 25, 2019, and Respondent has held a restricted license since that time.

On March 22, 2022, Respondent petitioned for the removal of restrictions attaching to Respondent's real estate salesperson license.

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 issuance or reinstatement of a license. Among the criteria relevant in this proceeding are:

5 **2911. Criteria for Rehabilitation**

6 *(a)(10) Discharge of, or bona fide efforts toward discharging, adjudicated debts  
7 or monetary obligations to others.*

- 8 - On August 7, 2019, a federal tax lien for \$5,962 was filed against Respondent.  
9 - On August 7, 2017, a federal tax lien for \$4,036 was filed against Respondent.  
10 - On September 20, 2016, a federal tax lien for \$45,085 was filed against  
11 Respondent.  
12 - On January 14, 2009, a federal tax lien for \$40,059 was filed against  
13 Respondent.

14 Respondent has presented no evidence of discharging, or bona fide efforts toward  
15 discharging these debts.

16 Respondent has failed to demonstrate to my satisfaction that Respondent has  
17 undergone sufficient rehabilitation to warrant the removal of the restrictions on Respondent's real  
18 estate salesperson license at this time.

19 Given the fact that Respondent has not established that Respondent has complied  
20 with Regulation 2911(a)(10), I am not satisfied that Respondent is sufficiently rehabilitated to  
21 receive an unrestricted salesperson license.

22 NOW, THEREFORE, IT IS ORDERED that Respondent's ~~petition~~ for removal of  
23 restrictions on Respondent's real estate salesperson license is denied.

24 This Order shall become effective at 12 o'clock noon or

SEP 19 2022

25 DATED

8.17.22

26 DOUGLAS R. McCAULEY  
27 REAL ESTATE COMMISSIONER

