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FILED

MAR 25 2025

DEPT. OF REAL ESTATE
By R. P. S. edl

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of:)
) Nos. H-41518 LA & H-42445 LA
DAVID GENE HALE,)
)
Respondent.)
)

ORDER NUNC PRO TUNC MODIFYING
ORDER DENYING REINSTATEMENT OF LICENSE

It having been called to the attention of the Real Estate Commissioner that there are errors in the Order filed on February 11, 2025, and good cause appearing therefore, the Order is amended as follows:

In the caption: "H-41318 LA" shall be "H-41518 LA".

On Page 1, line 16: "H-41318" shall be "H-41518 LA".

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1 This Order, nunc pro tunc to February 11, 2025, shall become effective immediately.

2
3 IT IS SO ORDERED

3/18/2025

4 CHIKA SUNQUIST
5 REAL ESTATE COMMISSIONER

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8 By: Marcus L. McCarther
9 Chief Deputy Real Estate Commissioner

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FILED

FEB 11 2025

DEPT. OF REAL ESTATE
By R. P. Sade

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

DAVID GENE HALE,

Respondent.

Nos. H-41318 LA &

H-42445 LA

ORDER DENYING REINSTATEMENT OF LICENSE

On October 20, 2020, in Case No. H-41318, a Decision was rendered revoking the real estate broker license of Respondent, but granting him the right to apply for a restricted broker license, effective November 26, 2020. On July 12, 2023, in Case No. H-42445 LA, a Decision was rendered revoking the restricted real estate broker license of Respondent effective August 7, 2023. Respondent's license has remained revoked to date.

On January 17, 2024, 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

1 prior adverse judgment on the applicant's character (*Tardiff v. State Bar* (1980) 27 Cal. 3d 395).

2 I have considered Respondent's petition and the evidence submitted in support
3 thereof.

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

7
8 ***2911. Criteria for Rehabilitation***

(a) (1) The time that has elapsed since commission of the acts(s) or offense(s):

9 (A) The passage of less than two years after the most recent criminal conviction
10 or act of the applicant that is a cause of action in the Bureau's Statement of Issues
against the applicant is inadequate to demonstrate rehabilitation.

11 (B) Notwithstanding subdivision (a)(1)(A), above, the two year period may be
increased based upon consideration of the following:

12 (i) The nature and severity of the crime(s) and/or act(s) committed by the
Applicant.

13 (ii) The applicant's history of criminal convictions and/or license discipline
14 that are "substantially related" to the qualifications, functions, or duties of a real
estate licensee.

15 The acts leading to Respondent's license revocation in Case No. H-42445 LA
16 occurred between November 26, 2020 and February 28, 2022, which was over two years ago.
17 However, Respondent has a history of license discipline. The discipline in Case No.
18 H-41518 LA was for many of the same trust fund violations which reoccurred in Case No.
19 H-42445 LA. After hearing Respondent's testimony in Case No. H-42445 LA, the
20 Administrative Law Judge stated "He could not . . . demonstrate that he would not make the
21 same mistakes in the future."

22 Give the severity and history of Respondent's trust fund violations, I am not
23 satisfied that Respondent has undergone sufficient rehabilitation to operate as a real estate
24 broker.

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

1 NOW, THEREFORE, IT IS ORDERED that a real estate salesperson license be
2 issued to Respondent if Respondent satisfies the following requirements:

3 1. Submits a completed application and pays the fee for a real estate
4 salesperson license within the 12 month period following the date of this Order; and

5 2. Submits proof that Respondent has completed the continuing education
6 requirements for renewal of the license sought. The continuing education courses must be
7 completed either (i) within the 12 month period preceding the filing of the completed
8 application, or (ii) within the 12 month period following the date of this Order.

9 This Order shall become effective immediately.

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11 CHIKA SUNQUIST
12 REAL ESTATE COMMISSIONER

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15 By: Marcus L. McCarther
16 Chief Deputy Real Estate Commissioner
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