

FILED

MAY 31 2018

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

DENNIS SUNGSOO KIM,

Respondent.

No. H-39857 LA

ORDER DENYING REINSTATEMENT OF LICENSE and COURSE PROVIDER

On October 6, 2015, in Case No. H-39857 LA, an Order was executed which accepted the petition for the voluntary surrender of the real estate broker license of Respondent and revoking Respondent's approval to offer pre-licensing and continuing education courses. The Order became effective on November 2, 2015.

On September 14, 2016, Respondent petitioned for reinstatement of said real estate broker license and approval to offer pre-licensing and continuing education courses, 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.

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(a) The passage of not less than two years since the most recent
5 criminal conviction or act of the applicant that is a basis to deny the Bureau action sought. (A
6 longer period will be required if there is a history of acts or conduct substantially related to the
7 qualifications, functions or duties of a licensee of the Bureau.)

8 Due to the severity of Respondent's action, not only as a licensed real estate
9 broker but as an approved course provider, it is recommended that more time will be needed to
10 assess Respondent's rehabilitation.

11 Respondent has failed to demonstrate to my satisfaction that Respondent has
12 undergone sufficient rehabilitation to warrant the reinstatement of Respondent's real estate
13 broker license and approval to offer pre-licensing and continuing education courses at this time.

14 Given the violations found and the fact that Respondent has not established that
15 Respondent has satisfied Regulations 2911(a), I am not satisfied that Respondent is sufficiently
16 rehabilitated to receive a real estate broker license and approval to offer pre-licensing and
17 continuing education courses.

18 NOW, THEREFORE, IT IS ORDERED that Respondent's petition for
19 reinstatement of Respondent's real estate broker license and approval to offer pre-licensing and
20 continuing education courses is denied.

21 This Order shall become effective at 12 o'clock noon on JUN 21 2018

22 IT IS SO ORDERED May 22, 2018

23 WAYNE S. BELL
24 REAL ESTATE COMMISSIONER

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27 By: DANIEL J. SANDRI
Chief Deputy Commissioner