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FILED

OCT 14 2014

BUREAU OF REAL ESTATE

By J. Jones

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of

THOMAS ELLIOTT MECKENSTOCK,

Respondent.

No. H-6773 SF

ORDER DENYING REINSTATEMENT OF LICENSE

On February 15, 1993, a Decision was rendered in Case No. H-6773 SF revoking the real estate broker license of Respondent effective March 9, 1993, but granting Respondent the right to the issuance of a restricted real estate broker license. A restricted real estate broker license was issued to Respondent on or about March 9, 1993, and Respondent has had a restricted licensee since that date.

On March 3, 2014, 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).

1 I have considered the petition of Respondent and the evidence submitted in
2 support thereof. Respondent has failed to demonstrate to my satisfaction that Respondent has
3 undergone sufficient rehabilitation to warrant the reinstatement of Respondent's real estate
4 broker license at this time.

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

8 Regulation 2911(c) Expungement of criminal convictions resulting from immoral
9 or antisocial acts.

10 Respondent has provided no information that his April 2006 conviction for
11 violating Penal Code section 415(1) (fighting in public) has been expunged.

12 Regulation 2911(i) Completion of, or sustained enrollment in, formal educational
13 or vocational training courses for economic self-improvement.

14 Respondent has provided no information that he has completed, or has sustained
15 enrollment in, formal educational or vocational training courses for economic self-improvement.

16 Regulation 2911(n) Change in attitude from that which existed at the time of the
17 conduct in question as evidenced by any or all of the following:

18 (1) Testimony of applicant.

19 (5) Absence of subsequent felony or misdemeanor convictions that are reflective
20 of an inability to conform to societal rules when considered in light of the conduct
21 in question.

22 In March 2005, Respondent was charged with a violation of Penal Code section
23 242-243(e) (battery), and in April 2006, the charge was reduced, and Respondent was convicted
24 of a violation of Penal Code section 415(1) (fighting in public). In Respondent's 2009 and 2013
25 broker license renewal applications, Respondent failed to disclose the 2006 conviction. In
26 Respondent's March 2014 petition, he also failed to disclose the 2006 conviction. In his petition
27 application, Respondent also answered "No" to the question "Have you ever filed bankruptcy?"

1 Respondent failed to disclose in his petition the fact that he filed for bankruptcy protection on
2 four separate occasions within 2011 and 2012. Although Respondent stated to the Bureau's
3 investigator that none of those four bankruptcy cases ended in discharge; that in fact Respondent
4 was not really "bankrupt" at the time; and that he filed each case on the advice of his legal
5 counsel, Respondent filed the petition in each case under penalty of perjury.

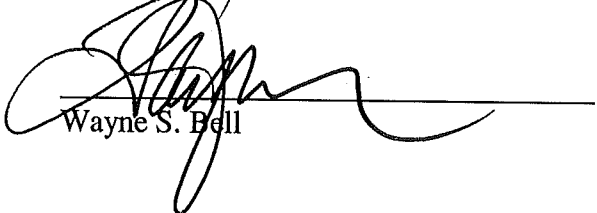
6 Given the violations found and the fact that Respondent has not established that
7 Respondent has satisfied Regulations 2911(c), (i), and (n), I am not satisfied that Respondent is
8 sufficiently rehabilitated to receive a real estate broker license.

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

11 This Order shall become effective at 12 o'clock noon on 10-31-14.

12 IT IS SO ORDERED 10/5/2014

13 REAL ESTATE COMMISSIONER

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15 _____
16 Wayne S. Bell

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