



4.

The Petitioner responded in the affirmative to a question on the Application as follows: "Have you ever been disciplined by the Georgia Real Estate Commission or any state or Federal Licensing Agency or authority that regulates any profession?" Exhibit R-2.

5.

In October, 2000, the Petitioner pled guilty and was convicted of the felony criminal offenses of Conspiracy to Defraud the United States and False Information on an Income Tax Return in the United States District Court for the Northern District of Georgia. Thereafter, the Petitioner was sentenced to six (6) months imprisonment on each count, to be served concurrently, in a halfway house. In addition, the Petitioner was ordered to pay restitution in the amount of \$18,821.00 and to pay a fine in the amount of \$3,000.00. In addition, the Petitioner was sentenced to serve thirty (30) months of his sentence on supervised probation, including six (6) months in home confinement. Further, the Petitioner was ordered to report his criminal conduct to the State Bar of Georgia and to refrain from the practice of law for a period of not less than three (3) years. Exhibits R-3 and R-3A. The Petitioner's civil and political rights were restored in May, 2012. Exhibit P-1.

6.

In September, 2003, the Petitioner was disbarred from the practice of law in the State of Georgia. Exhibit R-4.

7.

There is abundant credible evidence in the record to support a finding that the Petitioner bears an excellent reputation for honesty, trustworthiness, integrity and competence to transact the business of a real estate licensee in such manner as to safeguard the interest of the public. Testimony of Mr. Dixon, Mr. Salzman, Ms. Burnath, Mr. McMichael; see Exhibit P-4.

8.

There is credible evidence in the record to support a finding that the Petitioner is a person of high ethical standards. The Petitioner expressed genuine regret for his involvement in criminal wrongdoing. The Petitioner acknowledged that he made errors of judgment and that he committed regrettable mistakes. Commendably, the Petitioner accepted full responsibility for the commission of acts which were out of character and inconsistent with his commitment to high ethical standards. Testimony of Petitioner.

### Conclusions of Law

1.

The Georgia Real Estate Commission has full power to regulate the issuance of real estate salesperson's licenses. O.C.G.A. § 43-40-14.

2.

The Petitioner bears the burden of proof in this matter. Ga. Comp. R. & Regs. r. 616-1-2-.07(1)(d).

3.

The Commission may issue real estate salesperson licenses only to those individuals who provide satisfactory proof of a good reputation for honesty, trustworthiness, integrity and competence to transact the business of a real estate licensee in such manner as to safeguard the interest of the public. O.C.G.A. §43-40-15(a). The record in this matter is replete with credible evidence of the Petitioner's good reputation for the statutorily requisite attributes of good character and it is concluded that the record contains the requisite satisfactory proof of the Petitioner's good reputation for the requisite attributes of good character.

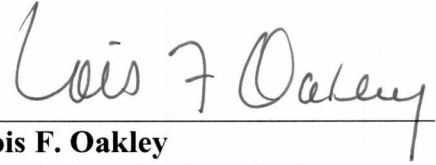
4.

The Petitioner's federal criminal conviction of felony crimes of moral turpitude is a sufficient ground for the Commission's refusal of his application for licensure as a real estate salesperson. O.C.G.A. § 43-40-15(b)(2). Further, the disbarment of the Petitioner by the Supreme Court of the State of Georgia constitutes a basis for the refusal of his application for licensure as a real estate salesperson. O.C .G.A. §43-40-15(h). It is concluded, however, that the Petitioner has carried his burden of proof in establishing his good character for honesty, trustworthiness, integrity and competence to transact the business of a real estate licensee in such manner as to safeguard the interest of the public and that the issuance of a real estate salesperson's license to the Petitioner is in accordance with the statutory directives for the Commission.

Decision

For all the above and foregoing reasons, the Commission's denial of the Petitioner's Application for a real estate salesperson's license is **REVERSED**.

This 10th day of July, 2013

A handwritten signature in cursive script that reads "Lois F. Oakley". The signature is written in black ink and is positioned above a horizontal line.

**Lois F. Oakley**  
**Administrative Law Judge**