

FILED

AUG 13 2013

BUREAU OF REAL ESTATE

By 

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of
MIGUEL CONTRERAS OYOQUE,
Respondent.

No. H-27204 LA

ORDER DENYING REINSTATEMENT OF LICENSE

On April 15, 1998, a Decision was rendered revoking the real estate broker license of Respondent, but granting Respondent the right to apply for a restricted broker license. The restricted license was issued May 5, 1998, and Respondent has held a restricted license since that time.

On November 18, 2011, Respondent petitioned for reinstatement of said real estate broker license. The Attorney General of the State of California has been given notice of the filing of said petition.

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

///

1 The burden of proving rehabilitation rests with the petitioner (*Feinstein v. State*
2 *Bar* (1952) 39 Cal. 2d 541). A petitioner is required to show greater proof of honesty and
3 integrity than an applicant for first time licensure. The proof must be sufficient to overcome the
4 prior adverse judgment on the applicant's character (*Tardiff v. State Bar* (1980) 27 Cal. 3d 395).

5 The Department has developed criteria in Section 2911 of Title 10, California
6 Code of 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(j)—discharge of, or bona fide efforts toward discharging debts or
9 monetary obligations to others

10 Respondent has not provided proof that he has paid or made bona fide efforts to
11 pay liens and judgments filed against Respondent.

12 Regulation 2911(k)-Correction of business practices resulting in injury to others
13 or with the potential to cause such injury

14 Respondent has failed to demonstrate a correction of business practices.

15 Regulation 2911(l)-Significant or conscientious involvement in community,
16 church or privately-sponsored programs designed to provide social benefits or to ameliorate
17 social problems

18 Respondent has not provided proof of community involvement.

19 Regulation 2911(n) (1) and (2)-Change in attitude

20 Respondent did not show up for the interview or provide additional information as
21 requested. No letters of recommendation were received.

22 Given the violations found and the fact that Respondent has not established that
23 Respondent has complied with Regulation 2911 (j), (k), (l) and (n)(1) and (2), I am not satisfied
24 that Respondent is sufficiently rehabilitated to receive a real estate broker license.

25 ///

26 ///

27 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

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

This Order shall become effective at 12 o'clock noon on **SEP 03 2013**

IT IS SO ORDERED April 24, 2013

Real Estate Commissioner



Wayne S. Bell

By: Jeffrey Mason
Chief Deputy Commissioner