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**FILED**

AUG 12 2021

DEPT. OF REAL ESTATE

By John Ajik

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Application of: ) DRE No. H-32506 LA  
ISMAEL ALCAZAR, JR, )  
Respondent. )  
\_\_\_\_\_ )

**ORDER DENYING REMOVAL OF DISCIPLINE INFORMATION FROM RESPONDENT'S  
PUBLIC INFORMATION PAGE ON THE DEPARTMENT OF REAL ESTATE'S WEBSITE**

On March 14, 2006, in Case No. H-32506 LA, a Decision was rendered herein denying Respondent's application for a real estate salesperson license, but granting Respondent the right to the issuance of a restricted real estate salesperson license. A restricted real estate salesperson license was issued to Respondent on March 29, 2006.

On July 22, 2020, Respondent petitioned for the removal of restrictions attaching to Respondent's real estate salesperson license.

On July 22, 2020, Respondent petitioned for the removal of discipline information from Respondent's Public Information Page on the Department of Real Estate's Website ("the Website").

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

1 an applicant for first time licensure. The proof must be sufficient to overcome the prior adverse  
2 judgment on the applicant's character (*Tardiff v. State Bar* (1980) 27 Cal. 3d 395).

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

5 The Department has developed criteria in Sections 2911 and 2912 of Title 10,  
6 California Code of Regulations (Regulations) to assist in evaluating the rehabilitation of a  
7 petitioner for the removal of discipline information from the website. Among the criteria relevant  
8 in this proceeding are:

9  
10 ***2911. Criteria for Rehabilitation***

11 ***(a)(3) Expungement of criminal convictions.***

12 Respondent has offered no evidence of expungement of his criminal convictions.

13 ***(a)(12) Significant or conscientious involvement in community, church or privately-***  
14 ***sponsored programs designed to provide social benefits or to ameliorate social***  
15 ***problems.***

16 Respondent has offered no evidence of involvement in any such programs.

17 ***(a)(14) Change in attitude from that which existed at the time of the conduct in***  
18 ***question as evidenced by the following:***

19 ***(E) Absence of subsequent felony convictions, misdemeanor convictions, or other***  
20 ***conduct that provides grounds to discipline a real estate licensee, which reflect an***  
21 ***inability to conform to societal rules when considered in light of the conduct in***  
22 ***question.***

23 On February 21, 2017, in the Superior Court of California, County of Los Angeles,  
24 in Case No. OLT02560, Respondent was convicted for violation of Vehicle Code  
25 Section 14601.1(a) (driving with a suspended license), a misdemeanor.

26 Respondent has failed to demonstrate to my satisfaction that Respondent is not a  
27 credible risk to the public and that Respondent has undergone sufficient rehabilitation to warrant  
the removal of discipline information from the Website.

Given the violations found and the fact that Respondent has not established that  
Respondent has satisfied Regulations 2911(a)(3), 2911(a)(12) and 2911(a)(14), I am not satisfied

1 that Respondent is sufficiently rehabilitated for the removal of discipline information from the  
2 Website.

3 The earliest date on which the Respondent may submit a new petition for the  
4 removal of discipline the website is one year from the effective date of this Decision. If, and when  
5 petition is again made for this licensee, all competent evidence of rehabilitation presented by the  
6 Respondent will be considered by the Real Estate Commissioner.

7 NOW, THEREFORE, IT IS ORDERED that Respondent's petition for the removal  
8 of discipline information from the Website is denied.

9 This Order shall become effective immediately.

10 DATED: 4-25-21

11 DOUGLAS R. McCAULEY  
12 REAL ESTATE COMMISSIONER

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