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**FILED**

**AUG 12 2021**

**DEPT. OF REAL ESTATE**

By John Aguilera

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**BEFORE THE DEPARTMENT OF REAL ESTATE**

**STATE OF CALIFORNIA**

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In the Matter of the Application of

**ISMAEL ALCAZAR, JR,**

**No. H-32506 LA**

**Respondent.**

**ORDER DENYING REMOVAL OF RESTRICTIONS ON LICENSE**

On March 14, 2006, 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, and Respondent has held a restricted license since that time.

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

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 Respondent's petition and the evidence submitted in support

1 thereof.

2 The Department has developed criteria in Section 2911 of Title 10, California  
3 Code of Regulations ("Regulations") to assist in evaluating the rehabilitation of an applicant for  
4 issuance or reinstatement of a license. Among the criteria relevant in this proceeding are:

5  
6 **2911. Criteria for Rehabilitation**

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

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

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

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

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

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

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

23 Respondent has failed to demonstrate to my satisfaction that Respondent has  
24 undergone sufficient rehabilitation to warrant the removal of the restrictions on Respondent's real  
25 estate salesperson license at this time.

26 Given the fact that Respondent has not established that Respondent has complied  
27 with Regulations 2911(a)(3), (a)(12) and (a)(14), I am not satisfied that Respondent is  
sufficiently rehabilitated to receive an unrestricted salesperson license.

NOW, THEREFORE, IT IS ORDERED that Respondent's petition for removal of  
restrictions on Respondent's real estate salesperson license is denied.

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This Order shall become effective at 12 o'clock noon on SEP 02 2021

DATED 4.24.21

DOUGLAS R. McCAULEY  
REAL ESTATE COMMISSIONER

*Douglas R. McCauley*