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FILED

MAY 11 2022

DEPT. OF REAL ESTATE

By R. P. Kelly

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

JUAN RENE VILLANUEVA,

Respondent.

No. H-40680 LA

ORDER DENYING REINSTATEMENT OF LICENSE

On January 26, 2018, a Decision was rendered in Case No. H-40680 revoking the real estate broker license of Respondent effective February 26, 2018, 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 February 26, 2018, and Respondent has held a restricted licensee since that time.

On July 28, 2020, 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.

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

6
7 ***2911. Criteria for Rehabilitation***

8 *(a)(5) Successful completion or early discharge from probation or parole.*

9 On December 3, 2008, in the Superior Court of California, County of Los
10 Angeles, Case No. 8DY07268, Respondent was convicted for violating Vehicle
11 Code section 23152(b) (driving under the influence), a misdemeanor. He was
12 sentenced to 48 months of probation. Respondent's probation was revoked
13 multiple times, following convictions for driving on a suspended license on
14 December 19, 2008, October 4, 2010 and October 20, 2010, another DUI
conviction on October 7, 2014, and two more convictions for driving on a
suspended license on June 19, 2017. Respondent's probation was last revoked in
Case No. 8DY07268 on October 3, 2019. There is no evidence of successful
completion of probation since that time.

15 *(9) Completion of, or sustained enrollment in, formal education or vocational*
16 *training courses for economic self-improvement.*

17 Respondent has offered no proof of completing any such courses.

18 *(11) Correction of business practices resulting in injury to others or with the*
19 *potential to cause such injury.*

20 On or about June 8, 2018, Respondent entered into a Settlement Agreement with
21 the Department of Business Oversight of the State of California. This Settlement
22 Agreement barred Respondent from "any position of employment, management,
23 or control of any escrow agent licensed under Escrow Law" for a period of four
years. The basis for this discipline was unauthorized disbursements of trust funds
from an escrow account.

24 Respondent has failed to demonstrate to my satisfaction that Respondent has
25 undergone sufficient rehabilitation to warrant the reinstatement of Respondent's real estate
26 broker license at this time.
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Given the violations found and the fact that Respondent has not established that Respondent has satisfied Regulations 2911(a)(5), (a)(9), and (a)(11), I am not satisfied that Respondent is sufficiently rehabilitated to receive a real estate broker license.

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 MAY 31 2022.

IT IS SO ORDERED 4-8-22

DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER

