

FILED

OCT 25 2019

DEPT. OF REAL ESTATE
By R-POSade

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

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In the Matter of the Accusation of

JESSICA MIREYA ARRANAGA,

No. H-02967 FR

Respondent.

ORDER DENYING REINSTATEMENT OF LICENSE
BUT GRANTING RIGHT TO A RESTRICTED LICENSE

On March 1, 2016, in Case No. H-02967 FR, a order was rendered accepting the voluntary surrender the real estate salesperson license of Respondent effective March 31, 2016.

On June 11, 2019, Respondent petitioned for reinstatement of said real estate salesperson 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).

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

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

4
5 **2911. Criteria for Rehabilitation**

6 *(a) (1) The time that has elapsed since commission of the acts(s) or offense(s):*
7 *(A) The passage of less than two years after the most recent criminal conviction*
8 *or act of the applicant that is a cause of action against the applicant is inadequate*
9 *to demonstrate rehabilitation.*

10 *(B) Notwithstanding subdivision (a)(1)(A), above, the two year period may be*
11 *increased based upon consideration of the following:*

12 *(i) The nature and severity of the crime(s) and/or act(s) committed by the*
13 *Applicant.*

14 Respondent received a felony fraud conviction for acts related to real estate.
15 Given the nature and severity of this crime, more time is needed to demonstrate
16 full rehabilitation.

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

19 Respondent has offered no evidence of completing any such courses.

20 Respondent has failed to demonstrate to my satisfaction that Respondent has
21 undergone sufficient rehabilitation to warrant the reinstatement of Respondent's unrestricted real
22 estate salesperson license.

23 I am satisfied, however, that it will not be against the public interest to issue a
24 restricted real estate salesperson license to Respondent.

25 A restricted real estate salesperson license shall be issued to Respondent pursuant
26 to Section 10156.5 of the Business and Professions Code, if Respondent satisfies the following
27 conditions prior to and as a condition of obtaining a restricted real estate salesperson license
within twelve (12) months from the effective date of this Order:

1. Respondent shall qualify for, take and pass the real estate salesperson
license examination.

1 2. Submittal of a completed application and payment of the fee for a real
2 estate salesperson license.

3 The restricted license issued to Respondent shall be subject to all of the provisions
4 of Section 10156.7 of the Business and Professions Code and to the following limitations,
5 conditions and restrictions imposed under authority of Section 10156.6 of that Code:

6 A. The restricted license issued to Respondent may be suspended prior to
7 hearing by Order of the Real Estate Commissioner in the event of Respondent's conviction or
8 plea of nolo contendere to a crime which is substantially related to Respondent's fitness or
9 capacity as a real estate licensee.

10 B. The restricted license issued to Respondent may be suspended prior to
11 hearing by Order of the Real Estate Commissioner on evidence satisfactory to the
12 Commissioner that Respondent has violated provisions of the California Real Estate Law, the
13 Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to
14 the restricted license.

15 C. Respondent shall not be eligible to apply for the issuance of an
16 unrestricted real estate license nor the removal of any of the limitations, conditions or
17 restrictions of a restricted license until two (2) years have elapsed from the date of the issuance
18 of the restricted license to Respondent.

19 D. Respondent shall submit with any application for license under an
20 employing broker, or any application for transfer to a new employing broker, a statement signed
21 by the prospective employing real estate broker on a form approved by the Department of Real
22 Estate which shall certify:

23 1. That the employing broker has read the Decision of the Commissioner
24 which granted the right to a restricted license; and

25 2. That the employing broker will exercise close supervision over the
26 performance by the restricted licensee relating to activities for which a real estate license is
27 required.

1 E. Respondent shall notify the Commissioner in writing within 72 hours of
2 any arrest by sending a certified letter to the Commissioner at the Department of Real Estate, Post
3 Office Box 137007, Sacramento, CA 95813-7007. The letter shall set forth the date of
4 Respondent's arrest, the crime for which Respondent was arrested and the name and address of
5 the arresting law enforcement agency. Respondent's failure to timely file written notice shall
6 constitute an independent violation of the terms of the restricted license and shall be grounds for
7 the suspension or revocation of that license.

8 This Order shall become effective at 12 o'clock noon on NOV 14 2019

9 IT IS SO ORDERED October 23, 2019

10 DANIEL J. SANDRI
11 ACTING REAL ESTATE COMMISSIONER

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