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JUL 17 2013

BUREAU OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of
RUBEN SANCHEZ,
Respondent.

No. H-3744 SD

ORDER DENYING REMOVAL OF RESTRICTIONS ON LICENSE

On December 10, 2007, a Decision was rendered denying Respondent's license application, based on Respondent's 2004 conviction for petty theft. Respondent was given the right to apply for a restricted real estate broker license.

A restricted real estate broker license was issued to Respondent on December 27, 2007.

On April 30, 2012, Respondent petitioned for reinstatement of said real estate broker license.

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 removal of restrictions of Respondent's real estate broker license at this time.

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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(n) - Change in attitude from that which existed at the time of the
9 conduct in question as evidenced by any or all of the following:

10 (1) Testimony of applicant

11 During a previous audit performed by the Department, Respondent indicated that
12 between August 1, 2007 and July 31, 2012 Respondent did not close any transactions for which a
13 license is required. This was a false statement by Respondent as he had closed transactions for
14 which a license is required during that time period. Respondent's conduct prevented the
15 Department from reviewing Respondent's transactions, and prevented the Department from
16 determining if he had corrected his business practices.

17 During October, 2012, Respondent failed to appear for a meeting to discuss his
18 statements.

19 (2) Testimony of Others

20 Respondent failed to provide evidence from others showing a change in attitude.

21 Given the fact that Respondent has not established that Respondent has complied
22 with Regulation 2911 (n)(1), and (2), I am not satisfied that Respondent is sufficiently
23 rehabilitated to receive an unrestricted real estate broker license.

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

This Order shall become effective at 12 o'clock noon on AUG 06 2013

IT IS SO ORDERED 12/26/2012

Real Estate Commissioner

