

1 Department of Real Estate
2 P. O. Box 187007
3 Sacramento, CA 95818-7007
4 Telephone: (916) 227-0789

FILED

FEB - 1 2011

DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

10 In the Matter of the Application of
11 RUBEN SANCHEZ,
12
13 Respondent.

No. H-3744 SD
OAH No. 2010030557

ORDER DENYING RECONSIDERATION

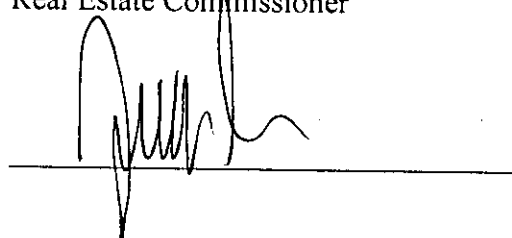
16 On December 7, 2010, an Order Denying Removal of Restrictions on License
17 (hereinafter "Order") was rendered in the above-entitled matter. The Order is to become
18 effective February 2, 2011.

19 On December 10, 2010, Respondent petitioned for reconsideration of the Order
20 of December 7, 2010.

21 I have given due consideration to the petition of Respondent. I find no good
22 cause to reconsider the Order of December 7, 2010, and reconsideration is hereby denied.

23 IT IS HEREBY ORDERED 2-1-2011.

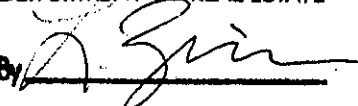
24 JEFF DAVI
25 Real Estate Commissioner

26 
27

FILED

DEC 29 2010

DEPARTMENT 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 STAYING EFFECTIVE DATE

On December 7, 2010, an Order Denying Removal of Restrictions on License (hereinafter "Order") was rendered in the above-entitled matter to become effective January 3, 2011.

IT IS HEREBY ORDERED that the effective date of the Order of the Real Estate Commissioner of December 7, 2010, is stayed for a period of thirty (30) days.

The Order of the Real Estate Commissioner of December 7, 2010, shall become effective at 12 o'clock noon on February 2, 2011.

DATED: December 29, 2010

JEFF DAVI
Real Estate Commissioner



FILED

DEC 13 2010

DEPARTMENT OF REAL ESTATE

By *[Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of

RUBEN SANCHEZ,

No. H-3744 SD

Respondent.

ORDER DENYING REMOVAL OF RESTRICTIONS ON LICENSE

On December 10, 2007, a Decision was rendered herein denying Respondent's application for a real estate broker license, 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 December 27, 2007, and Respondent has operated as a restricted licensee since that time.

On December 21, 2009, Respondent petitioned for the removal of restrictions attaching to Respondent's real estate broker 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).

1 I have considered Respondent's petition and the evidence and arguments in
2 support thereof. Respondent has failed to demonstrate to my satisfaction that Respondent has
3 undergone sufficient rehabilitation to warrant the removal of the restrictions on Respondent's real
4 estate broker license at this time.

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 issuance or reinstatement of a license. Among the criteria relevant in this proceeding are:

8 Regulation 2911(k) Correction of business practices resulting in injury to others
9 or with the potential to cause such injury.

10 Regulation 2911(n) Change in attitude from that which existed at the time of the
11 conduct in question

12 Since Respondent filed his petition to remove restrictions, the Department has
13 opened a new investigation of allegations that Respondent misrepresented the receipt of a
14 \$25,000 deposit check in connection with licensed activity, when evidence shows that
15 Respondent held only a photocopy of that check, and not the check itself.

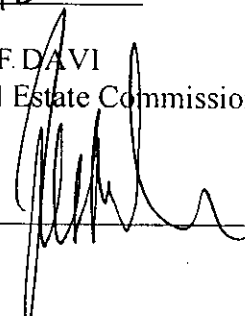
16 Given the fact that Respondent has not established that Respondent has complied
17 with Regulations 2911(k) and (n), I am not satisfied that Respondent is sufficiently rehabilitated
18 to receive an unrestricted broker license.

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

21 This Order shall become effective at 12 o'clock noon on **JAN - 3 2011**

22 DATED 12/7/2010

23 JEFF DAVI
24 Real Estate Commissioner

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1 Department of Real Estate
2 P.O. Box 187007
3 Sacramento, CA 95818-7007

4 Telephone: (916) 227-0789

FILED

DEC 11 2007

DEPARTMENT OF REAL ESTATE

By H. Mar

7 DEPARTMENT OF REAL ESTATE
8 STATE OF CALIFORNIA

9
10 *In the Matter of the Application of*

11 RUBEN SANCHEZ

12
13
14 Respondent

)
) No. H- 3744 SD
)
)

)
) STIPULATION AND
) WAIVER
)
)

15 I, RUBEN SANCHEZ, respondent herein, do hereby affirm that I have applied to the Department of
16 Real Estate for a real estate broker license and that to the best of my knowledge I have satisfied all of the
17 statutory requirements for the issuance of the license, including the payment of the fee therefor.

18 I acknowledge that I have received and read the Statement of Issues and the Statement to Respondent
19 filed by the Department of Real Estate on November 19, 2007, in connection with my application for a real
20 estate broker license. I understand that the Real Estate Commissioner may hold a hearing on this Statement
21 of Issues for the purpose of requiring further proof of my honesty and truthfulness and to prove other
22 allegations therein, or that he may in his discretion waive the hearing and grant me a restricted real estate
23 broker license based upon this Stipulation and Waiver. I also understand that by filing the Statement of
24 Issues in this matter the Real Estate Commissioner is shifting the burden to me to make a satisfactory
25 showing that I meet all the requirements for issuance of a real estate broker license. I further understand that
26 by entering into this stipulation and waiver I will be stipulating that the Real Estate Commissioner has
27

1 found that I have failed to make such a showing, thereby justifying the denial of the issuance to me of an
2 unrestricted real estate broker license.

3 I hereby admit that the allegations of the Statement of Issues filed against me are true and correct and
4 request that the Real Estate Commissioner in his discretion issue a restricted real estate broker license to me
5 under the authority of Section 10156.5 of the Business and Professions Code.

6 I am aware that by signing this Stipulation and Waiver, and if this Stipulation and Waiver is accepted
7 by the Real Estate Commissioner, I am waiving my right to a hearing and the opportunity to present
8 evidence at the hearing to establish my rehabilitation in order to obtain an unrestricted real estate broker
9 license. I am not waiving my right to a hearing and to further proceedings to obtain a restricted or
10 unrestricted license if this Stipulation and Waiver is not accepted by the Commissioner.

11 I further understand that the following conditions, limitations, and restrictions will attach to a
12 restricted license issued by the Department of Real Estate pursuant hereto:

- 13 1. The license shall not confer any property right in the privileges to be exercised and the Real
14 Estate Commissioner may by appropriate order suspend the right to exercise any privileges
15 granted under this restricted license in the event of:
 - 16 a. The conviction of respondent (including a plea of nolo contendere) to a crime which bears a
17 substantial relationship to respondent's fitness or capacity as a real estate licensee; or
 - 18 b. The receipt of evidence that respondent has violated provisions of the California Real
19 Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner, or
20 conditions attaching to this restricted license.
- 21 2. I shall not be eligible to apply for the issuance of an unrestricted real estate license nor the
22 removal of any of the conditions, limitations, or restrictions attaching to the restricted license
23 until two years have elapsed from the date of issuance of the restricted license to respondent.

24 Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and
25 Waiver by faxing a copy of the signature page, as actually signed by respondent, to the Department at fax
26 number (916) 227-9458. Respondent agrees, acknowledges and understands that by electronically sending
27 to the Department a fax copy of his actual signature as it appears on the Stipulation and Waiver, that receipt

1 of the faxed copy by the Department shall be as binding on Respondent as if the Department had received
2 the original signed Stipulation and Waiver.

3
4 November 27, 2007

5 Dated

6 Ruben Sanchez
7 RUBEN SANCHEZ, Respondent

8 * * *

9 I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by
10 respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and
11 truthfulness of respondent need not be called and that it will not be inimical to the public interest to issue a
12 restricted real estate broker license to respondent.

13 Therefore, IT IS HEREBY ORDERED that a restricted real estate broker license be issued to
14 respondent RUBEN SANCHEZ if respondent has otherwise fulfilled all of the statutory requirements for
15 licensure. The restricted license shall be limited, conditioned, and restricted as specified in the foregoing
16 Stipulation and Waiver.

17 This Order is effective immediately.

18 IT IS SO ORDERED

19 12-10-07

20 Jeff Davis
21 Real Estate Commissioner

FILED

NOV 19 2007

DEPARTMENT OF REAL ESTATE

By Anne Shawver

1 TRULY SUGHRUE, Counsel
2 State Bar No. 223266
3 Department of Real Estate
4 P.O. Box 187007
5 Sacramento, CA 95818-7007
6
7 Telephone: (916) 227-0781

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)
12 RUBEN SANCHEZ,)
13 Respondent.)

No. H-3744 SD

STATEMENT OF ISSUES

15 The Complainant, JOSEPH AIU, a Deputy Real Estate
16 Commissioner of the State of California, for Statement of Issues
17 against RUBEN SANCHEZ (hereinafter "Respondent"), is informed and
18 alleges as follows:

19 I

20 Respondent made application to the Department of Real
21 Estate of the State of California for a real estate broker's
22 license on or about September 19, 2007.

23 II

24 Complainant, JOSEPH AIU, a Deputy Real Estate
25 Commissioner of the State of California, makes this Statement of
26 Issues in his official capacity and not otherwise.
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III

On or about April 23, 2004, in the Superior Court, County of San Diego, Respondent was convicted of a violation of Section 484 of the California Penal Code (Petty Theft), a misdemeanor and crime involving moral turpitude which bears a substantial relationship under Section 2910, Title 10, California Code of Regulations, to the qualifications, functions, or duties of a real estate licensee.

IV

The crime of which Respondent was convicted, as alleged above, constitutes cause for denial of Respondent's application for a real estate license under Sections 480(a) and 10177(b) of the California Business and Professions Code.

WHEREFORE, the Complainant prays that the above-entitled matter be set for hearing and, upon proof of the charges contained herein, that the Commissioner refuse to authorize the issuance of, and deny the issuance of, a real estate broker license to Respondent, and for such other and further relief as may be proper under other provisions of law.

JOSEPH AIU
Deputy Real Estate Commissioner

Dated at San Diego, California,
this 9 day of November, 2007.