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FILED

OCT 13 2016

BUREAU OF REAL ESTATE

BY L. Pasade

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Application of

MIGUEL ANGEL MANZANARES,

Respondent.

No. H-04533 SD

ORDER DENYING REMOVAL OF RESTRICTIONS ON LICENSE

On October 25, 2013, 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 November 18, 2013, and Respondent has held a restricted licensee since that time.

On April 12, 2016, Respondent petitioned for the removal of restrictions attaching to Respondent's restricted 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 submitted in support
2 thereof.

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

6 Regulation 2911(c) Expungement of criminal convictions resulting from immoral
7 or antisocial acts.

8 Petitioner offered no evidence that his January 12, 2012 felony conviction for
9 violation of California Health & Safety Code Section 11357 has been expunged.

10 Regulation 2911(h) Stability of family life and fulfillment of parental and familial
11 responsibilities subsequent to the conviction or conduct that is the basis for denial of the agency
12 action sought.

13 The Enforcement Petition Application stated that Petitioner's child support
14 payments were not current.

15 Regulation 2911(i) Completion of, or sustained enrollment in, formal educational
16 or vocational training courses for economic self-improvement.

17 The Petitioner offered no evidence of completing any such courses.

18 Regulation 2911(l) Significant or conscientious involvement in community,
19 church or privately-sponsored programs designed to provide social benefits or to ameliorate
20 social problems.

21 The Enforcement Petition Application stated that Petitioner was not currently
22 active in any community groups.

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 restricted broker license at this time.

1 Given the fact that Respondent has not established that Respondent has complied
2 with Regulations 2911(c), (h), (i), and (l), I am not satisfied that Respondent is sufficiently
3 rehabilitated to receive an unrestricted broker license.

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

6 This Order shall become effective at 12 o'clock noon on NOV 02 2016.

7 DATED 10/3/16

8 REAL ESTATE COMMISSIONER

9
10 *Daniel Sandri*

11 By: DANIEL SANDRI
12 Assistant Commissioner

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