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FILED

SEP 15 2014

BUREAU OF REAL ESTATE

By H. Contreras

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

JUAN MANUEL BARAJAS,

Respondent.

No. H-10403 SF

ORDER DENYING REINSTATEMENT OF LICENSE

On October 26, 2009, a Decision was rendered in Case No. H-10403 SF revoking the real estate salesperson license of Respondent effective November 16, 2009.

On December 23, 2013, 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 the petition of Respondent and the evidence submitted in support thereof. Respondent has failed to demonstrate to my satisfaction that Respondent has

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1 undergone sufficient rehabilitation to warrant the reinstatement of Respondent's real estate
2 salesperson license at this time.

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

6 Regulation 2911(j) Discharge of, or bona fide efforts toward discharging,
7 adjudicated debts or monetary obligations to others.

8 While Respondent states that he is making monthly installment payments to the
9 IRS on a tax lien of approximately \$35,000, he has provided no corroborating documentation of
10 that fact.

11 Regulation 2911(n) Change in attitude from that which existed at the time of the
12 conduct in question as evidenced by any or all of the following:

13 (1) Testimony of applicant.

14 Respondent has failed to take full responsibility for his acts and omissions which
15 led to the revocation of his real estate salesperson license in 2009. He stated to the Bureau's
16 investigator that his acts were "unintentional", and that he "simply tried to help out (his) clients
17 to purchase a dream house". The true facts were that Respondent used deception and
18 misrepresentation, and committed fraud in concealing a third silent loan from a lender which was
19 funding a \$675,000 loan for Respondent's client; and in addition, Respondent failed to disclose
20 known defects to the purchaser of a property, resulting in a cost of over \$90,000 to repair the
21 property.

22 Given the violations found and the fact that Respondent has not established that
23 Respondent has satisfied Regulations 2911(j) and (n), I am not satisfied that Respondent is

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1 sufficiently rehabilitated to receive a real estate salesperson license.

2 NOW, THEREFORE, IT IS ORDERED that Respondent's petition for
3 reinstatement of Respondent's real estate salesperson license is denied.

4 This Order shall become effective at 12 o'clock noon on 10-6-14.

5 IT IS SO ORDERED 9/15/2014

6 REAL ESTATE COMMISSIONER

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9 WAYNE S. BELL

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