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**FILED**

DEPARTMENT OF REAL ESTATE  
By S. Black

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

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In the Matter of the Accusation of  
  
JORGE RICHARD DE LA SIERRA,  
  
Respondent.

No. H-11017 SF

ORDER DENYING REINSTATEMENT OF LICENSE

On April 12, 2011, in Case No. H-11017 SF, an Order was executed which accepted the petition for the voluntary surrender of the real estate salesperson license of Respondent. The Order became effective on May 3, 2011.

On August 4, 2017, 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.

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

6 Respondent has not provided evidence that the 2010 conviction has been  
7 expunged.

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

10 Respondent has not completed any formal real estate related courses since the  
11 surrender of his license.

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

14 Respondent demonstrates that he has not corrected his business practices as his  
15 employment with Quick Learning School violated the Bar Order, effective September 12, 2011,  
16 in which he was barred from any employment or activities involving real estate for 36 months.

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

19 (1) Testimony of applicant.

20 Respondent fails to take responsibility and show remorse for his actions  
21 that led to the discipline of his license.

22 Respondent has failed to demonstrate to my satisfaction that Respondent has  
23 undergone sufficient rehabilitation to warrant the reinstatement of Respondent's real estate  
24 salesperson license at this time.

25 Given the violations found and the fact that Respondent has not established that  
26 Respondent has satisfied Regulations 2911(c), (i), (k) and (n)(1), I am not satisfied that  
27 Respondent is sufficiently rehabilitated to receive a real estate salesperson license.

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

3                    This Order shall become effective at 12 o'clock noon on **AUG 08 2018**

4                    IT IS SO ORDERED July 11, 2018

5                    DANIEL J. SANDRI  
6                    ACTING REAL ESTATE COMMISSIONER

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8                    *Daniel J. Sandri*  
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