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DEPARTMENT OF REAL ESTATE  
By S. Black

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BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

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In the Matter of the Application of  
  
LARRY DIAMANTE RAPIZ,  
  
Respondent.

No. H-11573 SF

ORDER DENYING REMOVAL OF RESTRICTIONS ON LICENSE

On February 27, 2014, a Decision was rendered herein denying Respondent's application for a real estate salesperson license, but granting Respondent the right to the issuance of a restricted real estate salesperson license. A restricted real estate salesperson license was issued to Respondent on March 27, 2014, and Respondent has held a restricted license since that time.

On September 30, 2019, Respondent petitioned for the removal of restrictions attaching to Respondent's real estate salesperson 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).

I have considered Respondent's petition and the evidence submitted in support thereof.

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

4 Regulation 2911(6) Abstinence from the use of controlled substances or alcohol  
5 for not less than two years if the conduct which is the basis to deny the Department action sought  
6 is attributable in part to the use of controlled substances or alcohol.

7 Petitioner's pending court case is alcohol related as were several of the  
8 convictions that were the basis of the Department issuing a restricted license.

9 Regulation 2911(14) Change in attitude from that which existed at the time of the  
10 conduct in question as evidenced by any or all of the following:

11 (a) Testimony of applicant.

12 Petitioner was not honest on his petition application, updated application or  
13 during his interview about any past criminal convictions or pending criminal charges.

14 Respondent has failed to demonstrate to my satisfaction that Respondent has  
15 undergone sufficient rehabilitation to warrant the removal of the restrictions on Respondent's real  
16 estate salesperson license at this time.

17 Given the fact that Respondent has not established that Respondent has complied  
18 with Regulations 2911(6) and 2911(14)(a), I am not satisfied that Respondent is sufficiently  
19 rehabilitated to receive an unrestricted salesperson license.

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

22 This Order shall become effective at 12 o'clock noon on FEB 24 2021

23 DATED 1.28.21

24 DOUGLAS R. McCAULEY  
25 REAL ESTATE COMMISSIONER

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