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FILED

FEB 26 2020

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

LINO B. AMARANTE,

Respondent.

No. H-11800 SF

ORDER DENYING REINSTATEMENT OF LICENSE

On October 15, 2015, a Decision was rendered in Case No. H-11800 SF revoking the real estate broker license of Respondent effective November 10, 2015, 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 November 10, 2015, and Respondent has held a restricted licensee since that time.

On December 28, 2018, Respondent petitioned for reinstatement of said real estate broker 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).

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1 I have considered the petition of Respondent and the evidence submitted in
2 support thereof.

3 The Department has developed criteria in Section 2911 of Title 10, California
4 Code of 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(3) Expungement of criminal convictions resulting from immoral
7 or antisocial acts.

8 Respondent has not had his 2014 misdemeanor conviction expunged.

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 Respondent is currently a restricted salesperson; however, during his
13 interview and on his website, Respondent has been performing broker activities.

14 (b) Evidence from family members, friends or other persons familiar with
15 applicant's previous conduct and with his subsequent attitudes and behavioral patterns.

16 Respondent provided two letters of recommendation; however, neither one
17 of the letters mention Respondent's conviction.

18 Respondent has failed to demonstrate to my satisfaction that Respondent has
19 undergone sufficient rehabilitation to warrant the reinstatement of Respondent's real estate
20 broker license at this time.

21 Given the violations found and the fact that Respondent has not established that
22 Respondent has satisfied Regulations 2911(3), (14)(a), and (14)(b), I am not satisfied that
23 Respondent is sufficiently rehabilitated to receive a real estate broker license.

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

3 This Order shall become effective at 12 o'clock noon on MAR 18 2020

4 IT IS SO ORDERED

2/13/20

5 SANDRA KNAU
6 ACTING REAL ESTATE COMMISSIONER

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