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FILED

MAY 27 2015

BUREAU OF REAL ESTATE

By *Angie Denner*

BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

JULIO CEASAR BAEZ,

Respondent.

No. H-26979 LA

ORDER DENYING REINSTATEMENT OF LICENSE AND
GRANTING RIGHT TO A RESTRICTED LICENSE

On July 17, 1997, a Decision revoking Respondent's real estate salesperson license was rendered, but allowing Respondent the right to apply for a restricted real estate salesperson license. Respondent failed to apply for a restricted license.

On June 23, 2014, Respondent petitioned for reinstatement of Respondent's real estate salesperson license.

I have considered Respondent's petition and the evidence and arguments in support thereof. Respondent has failed to demonstrate to my satisfaction that Respondent has undergone sufficient rehabilitation to warrant the reinstatement of Respondent's real estate salesperson license, in that:

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1 The burden of proving rehabilitation rests with the petitioner (*Feinstein v. State*
2 *Bar* (1952) 39 Cal. 2d 541). A petitioner is required to show greater proof of honesty and
3 integrity than an applicant for first time licensure. The proof must be sufficient to overcome the
4 prior adverse judgment on the applicant's character (*Tardiff v. State Bar* (1980) 27 Cal. 3d 395).

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

8 Regulation 2911(j)—Discharge of, or bona fide efforts toward discharging
9 monetary obligations to others

10 Respondent has unpaid civil judgments and tax liens totaling over \$441,000.

11 Given the violations found and the fact that Respondent has not established that
12 Respondent has complied with Regulation 2911(j), I am not satisfied that Respondent is
13 sufficiently rehabilitated to receive an unrestricted real estate salesperson license.

14 I am satisfied, however, that it will not be against the public interest to issue a
15 restricted real estate salesperson license to Respondent.

16 A restricted real estate salesperson license shall be issued to Respondent pursuant
17 to Code Section 10156.5 if Respondent within twelve (12) months from the date hereof,
18 providing that Respondent:

19 (a) Qualifies for, takes and passes the written examination required to obtain a real
20 estate salesperson license;

21 (b) Makes application and pays the appropriate fee for said license;

22 1. The restricted license issued to Respondent shall be subject to all of the
23 provisions of Code Section 10156.7 and to the following limitations, conditions and restrictions
24 imposed under authority of Code Section 10156.6. The restricted license issued to Respondent
25 may be suspended prior to hearing by Order of the Real Estate Commissioner in the event of
26 Respondent's conviction or plea of nolo contendere to a crime which is substantially related to
27 Respondent's fitness or capacity as a real estate licensee.

1 2. The restricted license issued to Respondent may be suspended prior to hearing
2 by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that
3 Respondent has violated provisions of the California Real Estate Law, Regulations of the Real
4 Estate Commissioner or conditions attaching to the restricted license.

5 3. Respondent shall not be eligible to apply for the issuance of an unrestricted
6 real estate license nor for the removal of any of the conditions, limitations or restrictions of a
7 restricted license until two (2) years have elapsed from the effective date of this Decision.

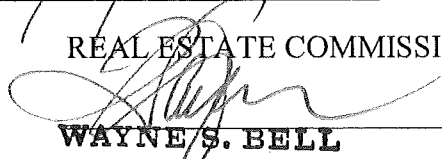
8 4. Respondent shall submit with any application for license under an employing
9 broker, or any application for transfer to a new employing broker, a statement signed by the
10 prospective employing real estate broker on a form approved by the Bureau of Real Estate which
11 shall certify:

12 (a) That the employing broker has read the Decision of the Commissioner which
13 granted the right to a restricted license; and

14 (b) That the employing broker will exercise close supervision over the
15 performance by the restricted licensee relating to activities for which a real estate license is
16 required.

17 5. Respondent shall notify the Commissioner in writing within 72 hours of any
18 arrest by sending a certified letter to the Commissioner at the Bureau of Real Estate, Post Office
19 Box 137000, Sacramento, CA 95813-7000. The letter shall set forth the date of Respondent's
20 arrest, the crime for which Respondent was arrested and the name and address of
21 the arresting law enforcement agency. Respondent's failure to timely file written notice shall
22 constitute an independent violation of the terms of the restricted license and shall be grounds for
23 the suspension or revocation of that license.

24 This Order shall become effective at 12 o'clock noon on JUN 16 2015.

25 IT IS SO ORDERED 5/16/2015
26 REAL ESTATE COMMISSIONER
27 
WAYNE S. BELL