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FILED
NOV 16 2017
BUREAU OF REAL ESTATE
By R. P. [Signature]

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

LAARNI GARCIA OMINGO,

Respondent.

No. H-29446 LA

ORDER DENYING REMOVAL OF RESTRICTIONS FROM LICENSE

On May 15, 2003, a Decision was rendered in Case No. H-29446 LA, revoking the real estate broker license of Respondent effective July 17, 2003, 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 August 5, 2003, and Respondent has held a restricted licensee since that time.

On April 5, 2017, Respondent petitioned for removal of restrictions from 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).

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

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

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

8 (1) Testimony of applicant.

9 In response to Question 4 in her petition application, to wit: "Have you or any
10 entity in which you had ownership, held an officer title, or exercised control ever been a
11 defendant in any civil court litigation, including small claims court?", Respondent answered
12 "yes", but only disclosed 3 of at least 15 civil cases in which she was named as a defendant. In
13 *Harrington vs. Dept. of Real Estate (1989)*, 214 Cal. App. 3d, 394, the court stated that lack of
14 candor in completing a license application is itself sufficient to sustain a finding that the
15 applicant does not yet appreciate the need to speak honestly about and to accept responsibility
16 for one's actions.

17 Likewise, in an interview with a Bureau investigator, Respondent stated that she
18 operated a tax preparation business until April 2016. However, records from the California Tax
19 Education Council indicate that her registration as a tax preparer expired on November 1, 2015.
20 Given that Respondent's real estate license was disciplined for failure to properly supervise her
21 brokerage, her failure to maintain her tax preparation registration demonstrates a lack of change
22 in attitude.

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

26 Given the violations found and the fact that Respondent has not established that
27 Respondent has satisfied Regulation 2911(n)(1), I am not satisfied that Respondent is sufficiently

1 rehabilitated to receive a real estate salesperson license.

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

4 This Order shall become effective at 12 o'clock noon on **DEC 06 2017**

5 IT IS SO ORDERED 11/7/17

6 WAYNE S. BELL
7 REAL ESTATE COMMISSIONER

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10 By: DANIEL J. SANDRI
11 Chief Deputy Commissioner

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