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OCT 03 2017

BUREAU OF REAL ESTATE

By R PPSad

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BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

JUAN VIOLANTE,

Respondent.

No. H-29748 LA

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

On February 5, 2003, in Case No. H-29748 LA, a Decision was rendered revoking the real estate salesperson license of Respondent effective March 3, 2003.

On September 13, 2016, 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 Respondent's petition and the evidence submitted in support thereof.

1 The Bureau has developed criteria in Section 2911 of Title 10, California Code of
2 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(j) Discharge of, or bona fide efforts toward discharging,
5 adjudicated debts or monetary obligations to others.

6 On June 22, 2012 a \$48,315 federal tax lien was filed against Respondent.
7 Respondent has offered no evidence of discharging this debt.

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

10 (5) Absence of subsequent felony or misdemeanor convictions that are reflective
11 of an inability to conform to societal rules when considered in light of the conduct
12 in question.

13 Subsequent to his license revocation, on or about October 12, 2007, Respondent
14 was convicted in the Superior Court of California, County of Los Angeles, Case No. 7DY04062
15 of violating Vehicle Code section 14601.1(a) (driving with a suspended license), a misdemeanor.

16 Subsequent to his license revocation, on or about August 21, 2012, Respondent
17 was convicted in the Superior Court of California, County of Los Angeles, Case No. 2LT00944
18 of violating California Vehicle Code sections 23152(b) (driving with a blood alcohol level of
19 .08% or higher) and 14601.1(a) (driving with a suspended license), both misdemeanors.

20 Respondent has failed to demonstrate to my satisfaction that Respondent has
21 undergone sufficient rehabilitation to warrant the reinstatement of Respondent's unrestricted real
22 estate salesperson license.

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

25 A restricted real estate salesperson license shall be issued to Respondent pursuant
26 to Section 10156.5 of the Business and Professions Code, if Respondent satisfies the following
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1 conditions prior to and as a condition of obtaining a restricted real estate salesperson license
2 within twelve (12) months from the effective date of this Order:

3 1. Respondent shall qualify for, take and pass the real estate salesperson
4 license examination.

5 2. Submittal of a completed application and payment of the fee for a real
6 estate salesperson license.

7 The restricted license issued to Respondent shall be subject to all of the provisions
8 of Section 10156.7 of the Business and Professions Code and to the following limitations,
9 conditions and restrictions imposed under authority of Section 10156.6 of that Code:

10 A. The restricted license issued to Respondent may be suspended prior to
11 hearing by Order of the Real Estate Commissioner in the event of Respondent's conviction or
12 plea of nolo contendere to a crime which is substantially related to Respondent's fitness or
13 capacity as a real estate licensee.

14 B. The restricted license issued to Respondent may be suspended prior to
15 hearing by Order of the Real Estate Commissioner on evidence satisfactory to the
16 Commissioner that Respondent has violated provisions of the California Real Estate Law, the
17 Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to
18 the restricted license.

19 C. Respondent shall not be eligible to apply for the issuance of an
20 unrestricted real estate license nor the removal of any of the limitations, conditions or
21 restrictions of a restricted license until two (2) years have elapsed from the date of the issuance
22 of the restricted license to Respondent.

23 D. Respondent shall submit with any application for license under an
24 employing broker, or any application for transfer to a new employing broker, a statement signed
25 by the prospective employing real estate broker on a form approved by the Bureau of Real
26 Estate which shall certify:

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1 1. That the employing broker has read the Decision of the Commissioner
2 which granted the right to a restricted license; and

3 2. That the employing broker will exercise close supervision over the
4 performance by the restricted licensee relating to activities for which a real estate license is
5 required.

6 E. Respondent shall notify the Commissioner in writing within 72 hours of
7 any arrest by sending a certified letter to the Commissioner at the Bureau of Real Estate, Post
8 Office Box 137007, Sacramento, CA 95813-7007. The letter shall set forth the date of
9 Respondent's arrest, the crime for which Respondent was arrested and the name and address of
10 the arresting law enforcement agency. Respondent's failure to timely file written notice shall
11 constitute an independent violation of the terms of the restricted license and shall be grounds for
12 the suspension or revocation of that license.

13 This Order shall become effective at 12 o'clock noon on

OCT 23 2017

14 IT IS SO ORDERED

9/27/17

15 WAYNE S. BELL
16 REAL ESTATE COMMISSIONER

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18 

19 By: DANIEL J. SANDRI
20 Chief Deputy Commissioner