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FILED

SEP 17 2019
DEPT. OF REAL ESTATE
By R. P. Sosa

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

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In the Matter of the Accusation of

JOAO CARLOS NUNEZ,

Respondent.

No. H-31284 LA

ORDER DENYING REINSTATEMENT OF LICENSE

On April 12, 2005, a Decision was rendered in Case No. H-31284 LA, revoking the real estate salesperson license of Respondent effective May 3, 2005. On July 20, 2014, an Order was rendering denying reinstatement of Respondent's 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 January 30, 2015, and Respondent has held a restricted licensee since that time.

On February 12, 2019, 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

1 prior adverse judgment on the applicant's character (*Tardiff v. State Bar* (1980) 27 Cal. 3d 395).

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

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

7
8 ***2911. Criteria for Rehabilitation***

9 ***(a)(3) Expungement of criminal convictions.***

10 Respondent has only offered evidence of expungement for one of his seven
11 criminal convictions.

12 ***(a)(14) Change in attitude from that which existed at the time of the conduct in
question as evidenced by the following:***

13 ***(B) Evidence from family members, friends and/or other persons familiar with
applicant's previous conduct and with his or her subsequent attitudes and/or
behavioral patterns.***

14 None of the references supplied by Respondent expressed any knowledge of the
15 convictions that led to his license discipline, let alone how his attitude may have
16 changed since the time of those convictions.

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

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

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

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

OCT 07 2019

4 IT IS SO ORDERED September 10, 2019.

5 DANIEL J. SANDRI
6 ACTING REAL ESTATE COMMISSIONER

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