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MAR 15 2012

DEPARTMENT OF REAL ESTATE

BY: *[Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

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In the Matter of the Accusation of
STEVEN RONALD LASCANO,
Respondent.

No. H-31459 LA

DECISION AFTER RECONSIDERATION

On October 11, 2011, an Order Denying Reinstatement of License was rendered to become effective November 30, 2011. The effective date was stayed by separate Order to December 30, 2011.

On December 29, 2011, an Order Granting Reconsideration was filed.

On January 11, 2012, Respondent filed written argument.

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:

I

In 2003, Respondent was convicted of grand theft auto, unlawful use of personal identity, felonies, and repeated annoying phone calls.

1 On June 8, 2005, a Decision was rendered revoking the real estate salesperson
2 license of Respondent.

3 II

4 In the Decision which revoked Respondent's real estate license there were
5 Determination of Issues made that there was cause to revoke Respondent's real estate license
6 pursuant to Business and Professions Code ("Code") Sections 490 and 10177(b).

7 III

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

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

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

17 Notwithstanding the above, I am satisfied that it will not be against the public
18 interest to issue a restricted real estate salesperson license to Respondent.

19 A restricted real estate salesperson license shall be issued to Respondent pursuant
20 to Section 10156.5 of the Business and Professions Code, if Respondent satisfies the following
21 conditions prior to and as a condition of obtaining a restricted real estate salesperson license
22 within twelve (12) months from the date of this Decision:

23 (a) qualifies for, takes and passes the written examination required to obtain a real
24 estate salesperson license;

25 (b) makes application and pays the appropriate fee for said license;

26 1. The restricted license issued to Respondent shall be subject to all of the
27 provisions of Code Section 10156.7 and to the following limitations, conditions and restrictions

1 imposed under authority of Code Section 10156.6. The restricted license issued to Respondent
2 may be suspended prior to hearing by Order of the Real Estate Commissioner in the event of
3 Respondent's conviction or plea of nolo contendere to a crime which is substantially related to
4 Respondent's fitness or capacity as a real estate licensee.

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

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

12 4. Respondent shall submit with any application for license under an employing
13 broker, or any application for transfer to a new employing broker, a statement signed by the
14 prospective employing real estate broker on a form approved by the Department of Real Estate
15 which shall certify:

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

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

21 5. Respondent shall notify the Commissioner in writing within 72 hours of any
22 arrest by sending a certified letter to the Commissioner at the Department of Real Estate, Post
23 Office Box 187000, Sacramento, CA 95818-7000. The letter shall set forth the date of
24 Respondent's arrest, the crime for which Respondent was arrested and the name and address of
25 the arresting law enforcement agency. Respondent's failure to timely file written notice shall
26 constitute an independent violation of the terms of the restricted license and shall be grounds for
27 the suspension or revocation of that license.

1 This Order shall become effective at 12 o'clock noon on APR 04 2012.

2 IT IS SO ORDERED 2/15/12

3 BARBARA J. BIGBY
4 Acting Real Estate Commissioner

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