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FILED

JUN 28 2018

BUREAU OF REAL ESTATE

By R. P. [Signature]

BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

ALBERT ARANA,

Respondent.

No. H-31647 LA

ORDER DENYING REINSTATEMENT OF LICENSE

On September 14, 2005, a Decision was rendered in Case No. H-31647 LA, revoking the real estate salesperson license of Respondent effective October 11, 2005, 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 February 3, 2006, and Respondent has held a restricted licensee since that time.

On February 15, 2018, 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).

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

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

6 **2911. Criteria of Rehabilitation**

7 **(a)(10) Discharge of, or bona fide efforts toward discharging, adjudicated debts or**
8 **monetary obligations to others.**

9 The State of California has issued tax liens against Respondent as follows: July
10 14, 1993 for \$4,846; September 22, 2008 for \$23,272.34; February 25, 2011 for \$41,409.26;
11 August 30, 2011 for \$4,330.13; November 9, 2012 for \$1,226; May 10, 2010 for \$4,159.40;
12 March 2, 2016 for \$24,322; and March 14, 2017 for \$45,805.53.

13 Federal tax liens have been issued against Respondent as follows: July 27, 1994
14 for \$118,358; and October 10, 2010 for \$178,741.29.

15 On or about July 22, 2003, before the Superior Court of California, County of Los
16 Angeles, Case No. 03U00197, a \$10,453 judgement was rendered against Respondent, in favor
17 of Socorro Jimenez.

18 On or about September 28, 2015, before the Superior Court of California, County
19 of Los Angeles, Case No. 15P05877, a \$3,526 judgement was rendered against Respondent, in
20 favor of Jaime Sanchez.

21 Respondent has offered no evidence of discharging, or bona fide efforts toward,
22 discharging these monetary obligations.

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

25 **(A) Testimony and/or other evidence of rehabilitation submitted by the applicant.**

26 In response to Question 4A on his Enforcement Petition Application, to wit: "Do
27 you have any past debts, outstanding judgments or have you filed bankruptcy?", Respondent

1 answered "no" and failed to disclose the liens and judgments described above. In *Harrington vs.*
2 *Dept. of Real Estate (1989)*, 214 Cal. App. 3d, 394, the court stated that lack of candor in
3 completing a license application is itself sufficient to sustain a finding that the applicant does not
4 yet appreciate the need to speak honestly about and to accept responsibility for one's actions.

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

8 Given the violations found and the fact that Respondent has not established that
9 Respondent has satisfied Regulations 2911(a)(10) and (a)(14), I am not satisfied that Respondent
10 is sufficiently rehabilitated to receive a real estate salesperson license.

11 NOW, THEREFORE, IT IS ORDERED that Respondent's petition for
12 reinstatement of Respondent's real estate salesperson license is denied. **JUL 18 2018**

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

14 IT IS SO ORDERED June 20, 2018

15 WAYNE S. BELL
16 REAL ESTATE COMMISSIONER

17 
18 _____

19 By: DANIEL J. SANDRI
20 Chief Deputy Commissioner