

FILED

JUN 26 2010

DEPARTMENT OF REAL ESTATE

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BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Application of  
ALEXANDRA ALMERAZ GARCIA,  
Respondent.

No. H-31852 LA

ORDER DENYING REMOVAL OF RESTRICTIONS

On October 18, 2005, a Decision was rendered denying the real estate salesperson application of Respondent, but granting Respondent a restricted salesperson license which was issued on November 15, 2005. It had been determined that there was cause to deny Respondent's license pursuant to Business and Professions Code Sections 480 and 10177(b), due to criminal conviction.

On April 23, 2009, Respondent petitioned for removal of restrictions from said real estate salesperson license.

I have considered the petition of Respondent and the evidence submitted in support thereof. Respondent has failed to demonstrate to my satisfaction that Respondent has undergone sufficient rehabilitation to warrant removal of restrictions from Respondent's real estate salesperson license at this time.

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

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

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 (1) Testimony of applicant.

11 Respondent has failed to furnish the Department with all requested information.

12 (2) Evidence from family members, friends or other persons familiar with  
13 applicant's previous conduct and with Respondent's subsequent attitudes and behavioral  
14 patterns.

15 Respondent has not provided proof from others of a change in attitude.

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

19 NOW, THEREFORE, IT IS ORDERED that Respondent's petition for removal of  
20 restrictions on Respondent's real estate license is denied.

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

**JUL 16 2010**

22 IT IS SO ORDERED

5-10-2010

23 JEFF DAVI  
24 Real Estate Commissioner

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1 Department of Real Estate  
2 320 W. 4th Street, Suite 350  
3 Los Angeles, CA 90013-1105  
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**FILED**  
OCT 21 2005  
DEPARTMENT OF REAL ESTATE  
*Jane B. [Signature]*

**DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA**

*In the Matter of the Application of* )  
 ) No. H- 31852 LA  
 ) L-2005071079  
 )  
 ) **STIPULATION AND**  
 ) **WAIVER**  
 )  
 )  
 )  
 ) Respondent )

15 I, ALEXANDRA ALMERAZ GARCIA, respondent herein, do hereby affirm that I have applied to the  
16 Department of Real Estate for a real estate salesperson license and that to the best of my knowledge I have  
17 satisfied all of the statutory requirements for the issuance of the license, including the payment of the fee  
18 therefor.

19 I acknowledge that I have received and read the Statement of Issues and the Statement to Respondent  
20 filed by the Department of Real Estate on April 21, 2005, in connection with my application for a real estate  
21 salesperson license. I understand that the Real Estate Commissioner may hold a hearing on this Statement of  
22 Issues for the purpose of requiring further proof of my honesty and truthfulness and to prove other  
23 allegations therein, or that he may in his discretion waive the hearing and grant me a restricted real estate  
24 salesperson license based upon this Stipulation and Waiver. I also understand that by filing the Statement of  
25 Issues in this matter the Real Estate Commissioner is shifting the burden to me to make a satisfactory  
26 showing that I meet all the requirements for issuance of a real estate salesperson license. I further  
27 understand that by entering into this stipulation and waiver I will be stipulating that the Real Estate

1 Commissioner has found that I have failed to make such a showing, thereby justifying the denial of the  
2 issuance to me of an unrestricted real estate salesperson license.

3 I hereby admit that the allegations of the Statement of Issues filed against me are true and correct and  
4 requests that the Real Estate Commissioner in his discretion issue a restricted real estate salesperson license  
5 to me under the authority of Section 10156.5 of the Business and Professions Code. I understand that any  
6 such restricted license will be issued subject to and be limited by Section 10153.4 of the Business and  
7 Professions Code.

8 I am aware that by signing this Stipulation and Waiver, I am waiving my right to a hearing and the  
9 opportunity to present evidence at the hearing to establish my rehabilitation in order to obtain an  
10 unrestricted real estate salesperson license if this Stipulation and Waiver is accepted by the Real Estate  
11 Commissioner. However, I am not waiving my right to a hearing and to further proceedings to obtain a  
12 restricted or unrestricted license if this Stipulation and Waiver is not accepted by the Commissioner.

13 I further understand that the following conditions, limitations, and restrictions will attach to a  
14 restricted license issued by the Department of Real Estate pursuant hereto:

- 15 1. The license shall not confer any property right in the privileges to be exercised including the  
16 right of renewal, and the Real Estate Commissioner may by appropriate order suspend the right  
17 to exercise any privileges granted under this restricted license in the event of:
- 18 a. The conviction of respondent (including a plea of nolo contendere) to a crime which bears a  
19 substantial relationship to respondent's fitness or capacity as a real estate licensee; or
- 20 b. The receipt of evidence that respondent has violated provisions of the California Real  
21 Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner, or  
22 conditions attaching to this restricted license.
- 23 2. I shall not be eligible to apply for the issuance of an unrestricted real estate license nor the  
24 removal of any of the conditions, limitations or restrictions attaching to the restricted license  
25 until two years have elapsed from the date of issuance of the restricted license to respondent.  
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1 3. With the application for license, or with the application for transfer to a new employing broker, I  
2 shall submit a statement signed by the prospective employing broker on a form approved by the  
3 Department of Real Estate wherein the employing broker shall certify as follows:

4 a. That broker has read the Statement of Issues which is the basis for the issuance of the  
5 restricted license; and

6 b. That broker will carefully review all transaction documents prepared by the restricted  
7 licensee and otherwise exercise close supervision over the licensee's performance of acts  
8 for which a license is required.

9 4. My restricted real estate salesperson license is issued subject to the requirements of Section  
10 10153.4 of the Business and Professions Code, to wit: I am required, within eighteen (18) months  
11 of the issuance of the restricted license, to submit evidence satisfactory to the Commissioner of  
12 successful completion, at an accredited institution, of a course in real estate practices and one of  
13 the courses listed in Section 10153.2, other than real estate principles, advanced legal aspects of  
14 real estate, advanced real estate finance, or advanced real estate appraisal. If I fail to timely  
15 present to the Department satisfactory evidence of successful completion of the two required  
16 courses, the restricted license shall be automatically suspended effective eighteen (18) months  
17 after the date of its issuance. Said suspension shall not be lifted unless, prior to the expiration of  
18 the restricted license, I have submitted the required evidence of course completion and the  
19 Commissioner has given written notice to Respondent of the lifting of the suspension.

20 5. Pursuant to Section 10154, if I have not satisfied the requirements for an unqualified license  
21 under Section 10153.4, Respondent shall not be entitled to renew the restricted license, and shall  
22 not be entitled to the issuance of another license which is subject to Section 10153.4 until four  
23 years after the date of the issuance of the preceding restricted license.

24 Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and  
25 Waiver by faxing a copy of the signature page, as actually signed by respondent, to the Department at fax  
26 number (213) 576-6917. Respondent agrees, acknowledges and understands that by electronically sending  
27 to the Department a fax copy of his actual signature as it appears on the Stipulation and Waiver, that receipt

1 of the faxed copy by the Department shall be as binding on respondent as if the Department had received  
2 the original signed Stipulation and Waiver.

3 9/23/05  
4 Dated

Alexandra Almeraz Garcia  
ALEXANDRA ALMERAZ GARCIA, Respondent

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5 I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by  
6 respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and  
7 truthfulness of respondent need not be called and that it will not be inimical to the public interest to issue a  
8 restricted real estate salesperson license to respondent.

9 Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to  
10 respondent ALEXANDRA ALMERAZ GARCIA if respondent has otherwise fulfilled all of the statutory  
11 requirements for licensure. The restricted license shall be limited, conditioned, and restricted as specified in  
12 the foregoing Stipulation and Waiver.

13 This Order is effective immediately.

14 IT IS SO ORDERED 10-18-05

Jeff Davi  
16 Jeff Davi  
17 Real Estate Commissioner

*Photo  
copy*

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CHRIS LEONG, Counsel (SBN 141079)  
Department of Real Estate  
320 West Fourth Street, Suite 350  
Los Angeles, California 90013-1105  
  
Telephone: (213) 576-6982  
-or- (213) 576-6910 (Direct)

**FILED**  
APR 21 2005  
DEPARTMENT OF REAL ESTATE

By *Jama B. [Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Application of )  
ALEXANDRA ALMERAZ GARCIA, )  
Respondent. )  
No. H-31852 LA  
STATEMENT OF ISSUES

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, for Statement of Issues against ALEXANDRA ALMERAZ GARCIA ("Respondent"), is informed and alleges in her official capacity as follows:

I

Respondent made application to the Department of Real Estate of the State of California for a real estate salesperson license on or about September 20, 2004, with the knowledge and understanding that any license issued as a result of said application would be subject to the conditions of Section 10153.4 of the Business and Professions Code.

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1 WHEREFORE, the Complainant prays that the above-  
2 entitled matter be set for hearing and, upon proof of the  
3 charges contained herein, that the Commissioner refuse to  
4 authorize the issuance of, and deny the issuance of, a real  
5 estate salesperson license to Respondent, ALEXANDRA ALMERAZ  
6 GARCIA, and for such other and further relief as may be proper  
7 in the premises.

8 Dated at Los Angeles, California  
9 this 15<sup>th</sup> day of April, 2005.

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12 Deputy Real Estate Commissioner  
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24 cc: Alexandra Almeraz Garcia  
25 Maria Suarez  
26 Sacto.  
27 LF