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BUREAU OF REAL ESTATE

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BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

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In the Matter of the Accusation of  
GLORIA VASQUEZ ENCINAS  
Respondent.

No. H-34194 LA

ORDER DENYING REINSTATEMENT OF LICENSE

On August 17, 2008, a Decision was rendered revoking the real estate broker license of Respondent, but granting Respondent the right to apply for and be issued a restricted real estate salesperson license. Respondent failed to obtain a restricted real estate salesperson license.

It had been determined that there was cause to revoke Respondent's license for failure to supervise. Respondent was the designated officer of two licensed real estate corporations. An audit of the books and records of the corporations found violations of the real estate law.

On October 6, 2011, Respondent petitioned for reinstatement of said real estate broker license. The Attorney General of the State of California has been given notice of the filing of said petition.

I have considered the petition of Respondent and the evidence submitted in

1 support thereof. Respondent has failed to demonstrate to my satisfaction that Respondent has  
2 undergone sufficient rehabilitation to warrant the reinstatement of Respondent's real estate  
3 broker license at this time.

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

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

11 Regulation 2911(j) - discharge of, or bona fide efforts toward discharging,  
12 adjudicated debts or monetary obligations to others

13 In 2007, a civil judgment was entered against Respondent in the amount of  
14 approximately \$75,952. Respondent has not provided proof that that the judgment has been paid  
15 or that Respondent has made bona fide efforts toward payment of the judgment. The judgment  
16 was not disclosed on Respondent's petition application.

17 In 2009, a judgment lien was filed against Respondent in the amount of  
18 approximately \$29,241. Respondent has not provided proof that the judgment lien has been  
19 paid. The judgment lien was not disclosed on Respondent's Petition Application.

20 Regulation 2911(k)—correction of business practices resulting in injury to others  
21 or with the potential to cause such injury

22 Respondent has not provided proof of correction of business practices.

23 Regulation 2911(n)(1)—change it attitude from that which existed at the time of  
24 the conduct in question as evidenced by any or all of the following:

25 Testimony of applicant. Respondent failed to disclose all court judgments on her  
26 Petition Application.

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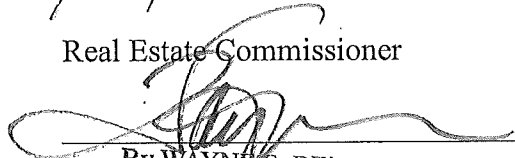
Given the violations found and the fact that Respondent has not established that Respondent has complied with Regulation 2911 (j), (k), and (n)(1), I am not satisfied that Respondent is sufficiently rehabilitated to receive a real estate license.

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

This Order shall become effective at 12 o'clock noon on **AUG 15 2013**

IT IS SO ORDERED 12/27/2012

Real Estate Commissioner

  
By WAYNE S. BELL  
Chief Counsel