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FILED

AUG 24 2018

DEPARTMENT OF REAL ESTATE

By R. Astor

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of

YVETTE BARBARA LOPEZ,

No. H-35159 LA

Respondent.

ORDER DENYING REINSTATEMENT OF LICENSE

On November 25, 2008, a Decision was rendered in Case No. H-35159 LA, revoking the real estate salesperson license of Respondent effective December 24, 2008, 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 December 24, 2008, and Respondent has held a restricted licensee since that time.

On October 31, 2017, 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 Department has developed criteria in Section 2911 of Title 10, California
4 Code of 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 On or about June 28, 2011 a \$10,956 judgment lien was filed against Respondent,
10 in favor of Juan N. Lopez. Respondent has presented no evidence of discharging, or bona fide
11 efforts toward, discharging this debt.

12 (a)(12) Significant or conscientious involvement in community, church or
13 privately-sponsored programs designed to provide social benefits or to ameliorate social
14 problems.

15 In response to Question 12 on her Enforcement Petition Application, to wit: "Are
16 you or have you been active in social, civic or community groups?" Respondent answered "no".

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

19 (A) Testimony of applicant and/or evidence of rehabilitation submitted by the
20 applicant.

21 In response to Question 4 on her Enforcement Petition Application, to wit "Do you
22 have any debts, outstanding judgements or have you filed bankruptcy", Respondent answered
23 "no", thereby failing to disclose the judgment listed above. In *Harrington vs. Dept. of Real Estate*
24 (1989), 214 Cal. App. 3d, 394, the court stated that lack of candor in completing a license
25 application is itself sufficient to sustain a finding that the applicant does not yet appreciate the need
26 to speak honestly about and to accept responsibility for one's actions.

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

3 Respondent did not submit any reference letters in which the author demonstrated knowledge of
4 the crime which led to her license discipline and any subsequent change in her attitude.

5 Respondent has failed to demonstrate to my satisfaction that Respondent has undergone
6 sufficient rehabilitation to warrant the reinstatement of Respondent's real estate salesperson
7 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) ,(a)(12) and (a)(14) I am not satisfied that
10 Respondent 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.

SEP 13 2018

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

14 IT IS SO ORDERED August 20, 2018

15 DANIEL J. SANDRI
16 ACTING REAL ESTATE COMMISSIONER

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