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BUREAU OF REAL ESTATE

By S. Bleck

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BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of

RICARDO CUBILLAS,

Respondent.

No. H-35802 LA

ORDER DENYING REINSTATEMENT OF LICENSE
BUT GRANTING RIGHT TO A RESTRICTED LICENSE

On March 2, 2010, in Case No. H-35802 LA, a Decision was rendered revoking the real estate salesperson license of Respondent effective April 12, 2010.

On January 21, 2014, 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).

I have considered Respondent's petition and the evidence submitted in support thereof.

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

4 Regulation 2911(a) The passage of not less than two years since the most recent
5 criminal conviction or act of the applicant that is a basis to deny the Bureau action sought. (A
6 longer period will be required if there is a history of acts or conduct substantially related to the
7 qualifications, functions or duties of a licensee of the Bureau.)

8 After the 2008 theft conviction which led to Respondent's revocation, Respondent
9 received a conviction in 2010 for receipt of bribery by a bank official.

10 Regulation 2911(n) Change in attitude from that which existed at the time of the
11 conduct in question as evidenced by any or all of the following:

12 Respondent had a subsequent felony conviction for receipt of bribery by a bank
13 official.

14 Respondent has failed to demonstrate to my satisfaction that Respondent has
15 undergone sufficient rehabilitation to warrant the reinstatement of Respondent's unrestricted real
16 estate salesperson license.

17 I am satisfied, however, that it will not be against the public interest to issue a
18 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 effective date of this Order:

23 1. Respondent shall qualify for, take and pass the real estate salesperson
24 license examination.

25 2. Submittal of a completed application and payment of the fee for a real
26 estate salesperson license.

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1 The restricted license issued to Respondent shall be subject to all of the provisions
2 of Section 10156.7 of the Business and Professions Code and to the following limitations,
3 conditions and restrictions imposed under authority of Section 10156.6 of that Code:

4 A. The restricted license issued to Respondent may be suspended prior to
5 hearing by Order of the Real Estate Commissioner in the event of Respondent's conviction or
6 plea of nolo contendere to a crime which is substantially related to Respondent's fitness or
7 capacity as a real estate licensee.

8 B. The restricted license issued to Respondent may be suspended prior to
9 hearing by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner
10 that Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands
11 Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted
12 license.

13 C. Respondent shall not be eligible to apply for the issuance of an
14 unrestricted real estate license nor the removal of any of the limitations, conditions or restrictions
15 of a restricted license until two (2) years have elapsed from the date of the issuance of the
16 restricted license to Respondent.

17 D. Respondent shall submit with any application for license under an
18 employing broker, or any application for transfer to a new employing broker, a statement signed
19 by the prospective employing real estate broker on a form approved by the Bureau of Real Estate
20 which shall certify:

21 1. That the employing broker has read the Decision of the Commissioner
22 which granted the right to a restricted license; and

23 2. That the employing broker will exercise close supervision over the
24 performance by the restricted licensee relating to activities for which a real estate license is
25 required.

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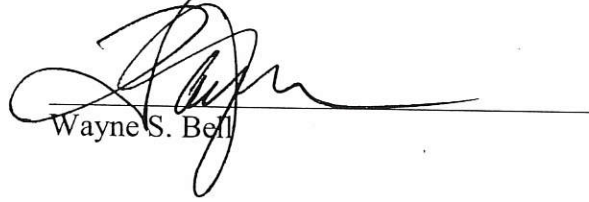
1 E. Respondent shall notify the Commissioner in writing within 72 hours of
2 any arrest by sending a certified letter to the Commissioner at the Bureau of Real Estate, Post
3 Office Box 137007, Sacramento, CA 95813-7007. The letter shall set forth the date of
4 Respondent's arrest, the crime for which Respondent was arrested and the name and address of
5 the arresting law enforcement agency. Respondent's failure to timely file written notice shall
6 constitute an independent violation of the terms of the restricted license and shall be grounds for
7 the suspension or revocation of that license.

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8 This Order shall become effective at 12 o'clock noon on _____.

9 IT IS SO ORDERED 10/15/2015

10 REAL ESTATE COMMISSIONER

11 
12
13 Wayne S. Bell