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BUREAU OF REAL ESTATE

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BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

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In the Matter of the Accusation of
RONALD F. PIETRO,
Respondent.

No. H-36281 LA

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

On August 23, 2010, a Decision was rendered revoking Respondent's real estate salesperson license. In 2009, Respondent was convicted of misdemeanor assault PC245(a).

On December 05, 2012, Respondent petitioned for reinstatement of said real estate salesperson license.

I have considered Respondent's petition and the evidence and arguments in support thereof. Respondent has failed to demonstrate to my satisfaction that Respondent has undergone sufficient rehabilitation to warrant the reinstatement of Respondent's real estate salesperson license, in that:

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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 Bureau has developed criteria in Section 2911, Title 10, Chapter 6, 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(c)—Expungement of conviction

9 The conviction suffered by Respondent has not been expunged.

10 Given the violations found and the fact that Respondent has not established that
11 Respondent has complied with Regulation 2911(c), I am not satisfied that Respondent is
12 sufficiently rehabilitated to receive a real estate salesperson license.

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

15 I am satisfied, however, that it will not be against the public interest to issue a
16 restricted real estate salesperson license to Respondent.

17 A restricted real estate salesperson license shall be issued to Respondent pursuant
18 to Code Section 10156.5 if Respondent within twelve (12) months from the date hereof
19 providing Respondent:

20 (a) takes, passes, and qualifies for the real estate salesperson license examination.

21 (b) submits a completed application and pays the appropriate fee for a real estate
22 salesperson license within the 12 month period following the date of this Order.

23 1. The restricted license issued to Respondent shall be subject to all of the
24 provisions of Code Section 10156.7 and to the following limitations, conditions and restrictions
25 imposed under authority of Code Section 10156.6. The restricted license issued to Respondent
26 may be suspended prior to hearing by Order of the Real Estate Commissioner in the event of
27 Respondent's conviction or plea of nolo contendere to a crime which is substantially related to

1 Respondent's fitness or capacity as a real estate licensee.

2 2. The restricted license issued to Respondent may be suspended prior to hearing
3 by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that
4 Respondent has violated provisions of the California Real Estate Law, Regulations of the Real
5 Estate Commissioner or conditions attaching to the restricted license.

6 3. Respondent shall not be eligible to apply for the issuance of an unrestricted
7 real estate license nor for the removal of any of the conditions, limitations or restrictions of a
8 restricted license until two (2) years have elapsed from the effective date of this Decision.

9 4. Respondent shall submit with any application for license under an employing
10 broker, or any application for transfer to a new employing broker, a statement signed by the
11 prospective employing real estate broker on a form approved by the Bureau of Real Estate which
12 shall certify:

13 (a) That the employing broker has read the Decision of the Commissioner which
14 granted the right to a restricted license; and

15 (b) That the employing broker will exercise close supervision over the
16 performance by the restricted licensee relating to activities for which a real estate license is
17 required.

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1 5. Respondent shall notify the Commissioner in writing within 72 hours of any
2 arrest be sending a certified letter to the Commissioner at the Bureau of Real Estate, Post Office
3 Box 137003, Sacramento, CA 95813-7013. The letter shall set forth the date of Respondent's
4 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.

8 This Order shall become effective at 12 o'clock noon on JAN 24 2014

9 IT IS SO ORDERED JAN 02 2014

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11 REAL ESTATE COMMISSIONER
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13 **By: JEFFREY MASON**
14 **Chief Deputy Commissioner**

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