

FILED

NOV 18 2013

BUREAU OF REAL ESTATE

By Normu Sim

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

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In the Matter of the Accusation of

EDUARDO CALDERA,

Respondent.

No. H-37040 LA

ORDER DENYING REINSTATEMENT OF LICENSE

On May 19, 2011, a Decision was rendered providing for the revocation of the real estate broker license of Respondent. The basis for the decision was lack of supervision of the real estate corporation and other audit violations.

On October 16, 2012, 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 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 broker 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 Bureau has developed criteria in Section 2911 of Title 10, California Code of
6 Regulations (Regulations) to assist in evaluating the rehabilitation of an applicant for
7 reinstatement of a license. Among the criteria relevant in this proceeding:

8 Regulation 2911(b)—restitution to any person who has suffered monetary losses
9 through substantially related acts or omissions of the applicant

10 Respondent has failed to make restitution to the victims of his conduct.

11 Regulation 2911(i)—taken and completed educational classes or vocational
12 training

13 Respondent provided no proof of these matters.

14 Regulation 2911(j)—discharge of, or bona fide efforts toward discharging,
15 monetary obligations to others

16 Respondent has an unpaid judgment in the amount of \$52,197 from 2011.

17 Regulation 2911(l)—significant involvement in community, church or privately
18 sponsored programs designed to provide social benefits or to ameliorate social problems

19 Respondent provided no proof of these matters.

20 Regulation 2911(n)(2)—change in attitude from that which existed at the time of
21 the conduct in question as evidenced by the following:

22 (2) evidence from family members, friends or other persons familiar with
23 applicant's previous conduct and with his subsequent attitude and behavioral patters

24 Respondent failed to submit the requested two letters of recommendation but did
25 submit one letter. Respondent failed to submit the requested verification of employment.

26 Pursuant to Regulation 2911(b), (i), (j), (l), and (n)(2), I am not satisfied that
27 Respondent is be reinstated to a real estate broker license.

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

3 This Order shall become effective at 12 o'clock noon on DEC - 9 2013

4 IT IS SO ORDERED OCT 23 2013

5 REAL ESTATE COMMISSIONER

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8 By: JEFFREY MASON
9 Chief Deputy Commissioner