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DEPT. OF REAL ESTATE

By R. P. Sed

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of

RICARDO VALEGA,

No. H-38336 LA

Respondent.

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

On April 22, 2014, in Case No. H-38336 LA, a Decision was rendered revoking the real estate salesperson license of Respondent effective May 15, 2014.

On March 20, 2019, 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 Department has developed criteria in Section 2911 of Title 10, California
2 Code of 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
5 **2911. Criteria for Rehabilitation**

6 ***(a) (9) Completion of, or sustained enrollment in, formal education or vocational
7 training courses for economic self-improvement.***

8 In response to question 17 in his Enforcement Petition Application, to wit:

9 “Since the date of discipline, list any educational courses completed, including continuing
10 education courses. . .”, Respondent answered “none”.

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

14 In response to question 17 in his Enforcement Petition Application, to wit: “Since

15 the date of discipline, are you or have you been active in social, civic, or community groups?”,
16 Respondent answered “no”.

17 Respondent has failed to demonstrate to my satisfaction that Respondent has
18 undergone sufficient rehabilitation to warrant the reinstatement of Respondent's unrestricted real
19 estate salesperson license.

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

22 A restricted real estate salesperson license shall be issued to Respondent pursuant
23 to Section 10156.5 of the Business and Professions Code, if Respondent satisfies the following
24 conditions prior to and as a condition of obtaining a restricted real estate salesperson license
25 within twelve (12) months from the effective date of this Order:

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

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

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

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

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

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

21 D. Respondent shall submit with any application for license under an
22 employing broker, or any application for transfer to a new employing broker, a statement signed
23 by the prospective employing real estate broker on a form approved by the Department of Real
24 Estate which shall certify:

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

27 2. That the employing broker will exercise close supervision over the

1 performance by the restricted licensee relating to activities for which a real estate license is
2 required.

3 This Order shall become effective at 12 o'clock noon on **OCT 30 2019**

4 IT IS SO ORDERED October 4, 2019

5 DANIEL J. SANDRI
6 ACTING REAL ESTATE COMMISSIONER

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