

FILED

OCT 27 2017

BUREAU OF REAL ESTATE

By R. Rosed

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

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In the Matter of the Accusation of

OLIVER J. MANRIQUE,

No. H-39207 LA

Respondent.

ORDER DENYING REINSTATEMENT OF LICENSE

On September 2, 2015, a Decision was rendered in Case No. H-39207 LA revoking the real estate broker license of Respondent effective September 2, 2015.

On October 6, 2016, Respondent petitioned for reinstatement of said real estate broker 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 the petition of Respondent and the evidence submitted in support thereof.

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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(j) Discharge of, or bona fide efforts toward discharging,
5 adjudicated debts or monetary obligations to others.

6 On March 2, 2010 a \$140,201 federal tax lien was filed against Respondent. He
7 has not proven any bona fide efforts toward discharging this monetary obligation.

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

10 (1) Testimony of applicant.

11 In response to Question 4A of his Petition Application, to wit: "Do you have any
12 past debts, outstanding judgments, or have you filed for bankruptcy?", Respondent answered "no".
13 In doing so, he failed to disclose the federal tax lien described above. He also failed to disclose
14 bankruptcies filed on July 25, 2016, February 17, 2010 and September 29, 2009. In *Harrington*
15 *vs. Dept. of Real Estate (1989)*, 214 Cal. App. 3d, 394, the court stated that lack of candor in
16 completing a license application is itself sufficient to sustain a finding that the applicant does not
17 yet appreciate the need to speak honestly about and to accept responsibility for one's actions.

18 Respondent has failed to demonstrate to my satisfaction that Respondent has
19 undergone sufficient rehabilitation to warrant the reinstatement of Respondent's real estate
20 broker license at this time.

21 Given the violations found and the fact that Respondent has not established that
22 Respondent has satisfied Regulations 2911(j), and (n)(1), I am not satisfied that Respondent is
23 sufficiently rehabilitated to receive a real estate broker license.

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

NOV 16 2017

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

4 IT IS SO ORDERED

10/24/17

5 WAYNE S. BELL
6 REAL ESTATE COMMISSIONER

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9 By: DANIEL J. SANDRI
10 Chief Deputy Commissioner