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FILED

OCT 17 2023

DEPT. OF REAL ESTATE
By R. Posada

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

GERMAN NEFTALI RUEDA,

Respondent.

No. H-40126 LA

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

On October 12, 2016, in Case No. H-40126 LA, a Decision was rendered
revoking the real estate broker license of Respondent effective November 12, 2016.

On March 20, 2023, 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 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 (Denial)**

6 *(a) (2) Restitution to any person who has suffered monetary losses through*
7 *substantially related" acts or omissions of the applicant, or escheat to the State of*
8 *these monies or other properties if the victim(s) cannot be located.*

9 Respondent has offered no evidence of repaying the \$7,000 he wrongfully
10 appropriated from Raul G., as set forth in Case No. H-40126 LA.

11 Respondent has failed to demonstrate to my satisfaction that Respondent has
12 undergone sufficient rehabilitation to warrant the reinstatement of Respondent's unrestricted real
13 estate broker license.

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

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

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

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

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

27 A. The restricted license issued to Respondent may be suspended prior to
hearing by Order of the Real Estate Commissioner in the event of Respondent's conviction or

1 plea of nolo contendere to a crime which is substantially related to Respondent's fitness or
2 capacity as a real estate licensee.

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

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

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

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

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

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

NOV 06 2023

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

IT IS SO ORDERED _____

10/10/2023

DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER



By: Marcus L. McCarther
Chief Deputy Real Estate Commissioner