

FILED

MAY 18 2022

DEPT. OF REAL ESTATE

By R. Posada

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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In the Matter of the Accusation of

ROMMEL PORCIUNCULA HERNANDEZ,

Respondent.

No. H-41037 LA

ORDER DENYING REINSTATEMENT OF LICENSE

On October 25, 2018, a Decision was rendered in Case No. H- 41307 LA revoking the real estate broker license of Respondent effective November 19, 2018.

On April 13, 2021, 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 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 ***(3) Expungement of criminal convictions.***

7 Respondent has submitted no evidence that his February 25, 2014 conviction of
8 violation of Penal Code section 25400(a)(2) has been expunged.

9 ***(8) Stability of family life and fulfillment of parental and familial responsibilities***
10 ***subsequent to the conviction or conduct that is the basis for denial of the Bureau***
11 ***action sought.***

12 At the time of his license revocation, Respondent's license was suspended for
13 violation of Family Code section 17520 (failure to pay child support).
14 Respondent has not submitted any documentation to prove that he is current with
15 child support payments.

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

18 Respondent has not submitted evidence of sustained enrollment in any such
19 courses.

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

23 Respondent's Petition Application claimed he is involved in two such programs.
24 However, he submitted no evidence to verify this claim.

25 ***(a)(14) Change in attitude from that which existed at the time of the conduct in***
26 ***question as evidenced by the following:***

27 ***(B) Evidence from family members, friends and/or other persons familiar with***
applicant's previous conduct and with his or her subsequent attitudes and/or
behavioral patterns.

 Respondent submitted five letters of recommendation. Three of these letters
 predated his license discipline. Therefore, they offered no evidence of
 Respondent's previous conduct or subsequent attitudes. One of the recent letters
 was written in the name of a person who denied writing the letter and would not

1 recommend Respondent. The other recent letter was written in the name of
2 someone who did not respond to three separate calls for verification.

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

6 Given the violations found and the fact that Respondent has not established that
7 Respondent has satisfied Regulations 2911(a)(3), (a)(8), (a)(9), (a)(12) and (a)(14)(B), I am not
8 satisfied that Respondent is sufficiently rehabilitated to receive a real estate broker license.

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

11 This Order shall become effective at 12 o'clock noon on JUN 07 2022

12 IT IS SO ORDERED 4-8-22

13 DOUGLAS R. McCAULEY
14 REAL ESTATE COMMISSIONER

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