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**FILED**

MAY 22 2012

DEPARTMENT OF REAL ESTATE  
BY: *[Handwritten Signature]*

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BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

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In the Matter of the Accusation of

CONCEPSION CONNIE G. HERNANDEZ,

Respondent.

No. H-28976 LA

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

On July 17, 2001, a Decision was rendered to become effective August 13, 2001. Said Decision revoked Respondent's real estate salesperson license with the right to apply for and be issued a restricted real estate salesperson license. Respondent failed to apply for a restricted license.

On March 19, 2007, Respondent petitioned for reinstatement of Respondent's real estate salesperson license. An Order Granting Reinstatement of License was filed on March 3, 2009, which granted Respondent the right to apply for and be issued a real estate salesperson license. Respondent failed to apply for a license.

On December 23, 2011, Respondent again petitioned for reinstatement of Respondent's real estate salesperson license.

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1 I have considered Respondent's petition and the evidence and arguments in  
2 support thereof. Respondent has failed to demonstrate to my satisfaction that Respondent has  
3 undergone sufficient rehabilitation to warrant the reinstatement of Respondent's real estate  
4 salesperson license, in that:

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6 The burden of proving rehabilitation rests with the petitioner (*Feinstein v. State*  
7 *Bar* (1952) 39 Cal. 2d 541). A petitioner is required to show greater proof of honesty and  
8 integrity than an applicant for first time licensure. The proof must be sufficient to overcome the  
9 prior adverse judgment on the applicant's character (*Tardiff v. State Bar* (1980) 27 Cal. 3d 395).

10 The Department has developed criteria in Section 2911, Title 10, California Code  
11 of Regulations ("Regulations") to assist in evaluating the rehabilitation of an applicant for  
12 reinstatement of a license. Among the criteria relevant in this proceeding are:

13 Regulation 2911(i) – Completion of, or sustained enrollment in, formal  
14 educational or vocational training courses for economic self-improvement.

15 Respondent has not provided such proof.

16 Regulation 2911(j) – Discharge of, or bona fide efforts toward discharging,  
17 adjudicated debts or monetary obligations to others.

18 Respondent has unpaid federal taxes.

19 Given the violations found and the fact that Respondent has not established that  
20 Respondent has complied with Regulations 2911(i) and 2911(j) I am not satisfied that  
21 Respondent is sufficiently rehabilitated to receive a real estate salesperson license.

22 NOW, THEREFORE, IT IS ORDERED that Respondent's petition for  
23 reinstatement of Respondent's real estate salesperson license is denied.

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

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1           A restricted real estate salesperson license shall be issued to Respondent pursuant  
2 to Code Section 10156.5 if Respondent within twelve (12) months from the date hereof  
3 providing Respondent:

4           (a) qualifies for, takes and passes the written examination required to obtain a real  
5 estate salesperson license;

6           (b) makes application and pays the appropriate fee for said license;

7           1. The restricted license issued to Respondent shall be subject to all of the  
8 provisions of Code Section 10156.7 and to the following limitations, conditions and restrictions  
9 imposed under authority of Code Section 10156.6. The restricted license issued to Respondent  
10 may be suspended prior to hearing by Order of the Real Estate Commissioner in the event of  
11 Respondent's conviction or plea of nolo contendere to a crime which is substantially related to  
12 Respondent's fitness or capacity as a real estate licensee.

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

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

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

24           (a) That the employing broker has read the Decision of the Commissioner which  
25 granted the right to a restricted license; and

26           (b) That the employing broker will exercise close supervision over the  
27 performance by the restricted licensee relating to activities for which a real estate license is

1 required.

2                   5. Respondent shall notify the Commissioner in writing within 72 hours of any  
3 arrest be sending a certified letter to the Commissioner at the Department of Real Estate, Post  
4 Office Box 187000, Sacramento, CA 95818-70-00. The letter shall set forth the date of  
5 Respondent's arrest, the crime for which Respondent was arrested and the name and address of  
6 the arresting law enforcement agency. Respondent's failure to timely file written notice shall  
7 constitute an independent violation of the terms of the restricted license and shall be grounds for  
8 the suspension or revocation of that license.

9                   This Order shall become effective at 12 o'clock noon on JUN 11 2012

10                   IT IS SO ORDERED 4/23/2012

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12                   Real Estate Commissioner  
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