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FILED

JUN 13 2018

BUREAU OF REAL ESTATE

By R. Posada

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

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In the Matter of the Accusation of

HENRY MEDINA NAVARRO,

Respondent.

No. H-31013 LA

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

On April 14, 2005, a Decision was rendered in Case No. H-31013 LA, revoking the real estate broker license of Respondent effective July 5, 2005, but granting Respondent the right to the issuance of a restricted real estate broker license. A restricted real estate broker license was issued to Respondent on July 5, 2005. Respondent held a restricted licensee until that license expired on May 24, 2015. Pursuant to Business and Professions Code section 10201, Respondent no longer has the right to renew this license.

On September 27, 2017, 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

1 integrity than an applicant for first time licensure. The proof must be sufficient to overcome the
2 prior adverse judgment on the applicant's character (*Tardiff v. State Bar* (1980) 27 Cal. 3d 395).

3 I have considered the petition of Respondent and the evidence submitted in
4 support thereof.

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

8 **2911(a) Criteria of Rehabilitation**

9 **10) Discharge of, or bona fide efforts toward discharging, adjudicated debts or**
10 **monetary obligations to others.**

11 On or about January 30, 2007, before the Superior Court of California, County of
12 Los Angeles, in Case No. BS 094223, a \$261,362 judgment was entered against Respondent, in
13 favor of Gildardo Alvarez and Maria de Jesus.

14 On or about August 16, 2010, before the Superior Court of California, County of
15 Los Angeles, in Case No. 10CD0397, a judgment of \$510 was entered against Respondent, in
16 favor of Acclaim Credit Technologies.

17 Respondent has offered no evidence of discharging, or bona fide efforts toward,
18 discharging these debts.

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

21 In response to Question 12 on his Enforcement Petition Application, to wit "Are
22 you or have you been active in social, civic or community groups?", Respondent answered "no".

23 **14) Change in attitude from that which existed at the time of the conduct in**
24 **question as evidenced by following:**

25 **(A) Testimony of applicant and/or evidence of rehabilitation submitted by the**
26 **applicant.**

27 In response to Question 4A on his Enforcement Petition Application, to wit

1 "Do you have any past debts, outstanding judgments, or have you filed bankruptcy?", Respondent
2 answered "yes" and disclosed a 1997 bankruptcy. However, he did not disclose the two
3 outstanding judgments listed above, which occurred subsequent to his 1997 bankruptcy.

4 In *Harrington vs. Dept. of Real Estate (1989)*, 214 Cal. App. 3d, 394, the court stated that lack
5 of candor in completing a license application is itself sufficient to sustain a finding that the
6 applicant does not yet appreciate the need to speak honestly about and to accept responsibility
7 for one's actions.

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

11 I am satisfied, however, that it will not be against the public interest to reissue a
12 restricted real estate broker license to Respondent.

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

17 1. Respondent shall qualify for, take and pass the real estate broker license
18 examination.

19 2. Submittal of a completed application and payment of the fee for a real
20 estate broker license.

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

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

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

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

10 This Order shall become effective at 12 o'clock noon on **JUL 05 2018**

11 IT IS SO ORDERED *June 11, 2018*

12 WAYNE S. BELL
13 REAL ESTATE COMMISSIONER

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15 By: DANIEL J. SANDRI
16 Chief Deputy Commissioner
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