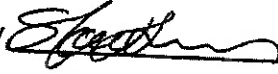


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FILED

AUG 06 2018

DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of) No. H-34147 LA)))
GILBERT JOSEPH MORALES,	
Respondent.	

ORDER DENYING RECONSIDERATION

On June 14, 2018, an Order Denying Removal of Restrictions on License was signed in the above-entitled matter. Said Order was to become effective on July 5, 2018 and was stayed by separate Order to August 6, 2018.

On July 31, 2018, Respondent petitioned for reconsideration of the Order of June 14, 2018.

I have given consideration to the petition of Respondent. I find no good cause to reconsider the Order of June 14, 2018, and reconsideration is hereby denied.

IT IS SO ORDERED August 3, 2018.

DANIEL J. SANDRI
Acting Real Estate Commissioner



7/10/18

FILED
JUL 10 2018

DEPARTMENT OF REAL ESTATE

By R. Posada

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of) DRE NO. H-34147 LA
GILBERT JOSEPH MORALES,)
Respondent.)

ORDER STAYING EFFECTIVE DATE

On June 14, 2018, an Order Denying Removal of Restrictions on License was rendered in the above-entitled matter to become effective July 5, 2018.

IT IS HEREBY ORDERED that the effective date of July 5, 2018, is stayed for a period of 30 days to consider Respondent's petition for reconsideration.

The Decision of June 14, 2018, shall become effective at 12 o' clock noon on August 6, 2018.

DATED: July 5, 2018

WAYNE S. BELL
REAL ESTATE COMMISSIONER

By: Daniel J. Sandri
DANIEL J. SANDRI
Chief Deputy Commissioner

PLS

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FILED

JUN 14 2018

BUREAU OF REAL ESTATE

By R. Posada

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Application of

GILBERT JOSEPH MORALES,

Respondent.

No. H-34147 LA

ORDER DENYING REMOVAL OF RESTRICTIONS ON LICENSE

On October 3, 2007, a Decision was rendered herein denying Respondent's application for a real estate salesperson license, but granting Respondent the right to the issuance of a restricted real estate salesperson license. A restricted real estate salesperson license was issued to Respondent on October 29, 2007, and Respondent has held a restricted license since that time.

On March 21, 2017, Respondent petitioned for the removal of restrictions attaching to Respondent's real estate salesperson license.

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

1 thereof.

2 The Bureau has developed criteria in Section 2911 of Title 10, California Code of
3 Regulations ("Regulations") to assist in evaluating the rehabilitation of an applicant for issuance
4 or reinstatement of a license. Among the criteria relevant in this proceeding are:

5 Regulation 2911. Criteria of Rehabilitation (Denial)

6 (a)(3) Expungement of criminal convictions.

7 Respondent has offered no evidence that his criminal conviction has been
8 expunged.

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

11 As of July 3, 2017, Respondent owed \$23,888.25 to the California Franchise Tax
12 Board, for the years of 2007 through 2013. Respondent offered no proof of paying any amount
13 to the Franchise Tax Board since 2009.

14 State tax liens were filed against Respondent as follows:

15 <u>Date</u>	<u>Amount</u>
16 October 13, 2015	\$4,570
17 June 2, 2015	\$5,064
18 November 28, 2012	\$7,368
19 April 22, 2011	\$4,023
20 December 23, 2009	\$3,572

21 Respondent has presented no evidence of discharging these monetary obligations
22 and no evidence of any agreement for payment.

23 Respondent has failed to demonstrate to my satisfaction that Respondent has
24 undergone sufficient rehabilitation to warrant the removal of the restrictions on Respondent's real
25 estate salesperson license at this time.

1 Given the fact that Respondent has not established that Respondent has complied
2 with Regulations 2911(a)(3) and (a)(10), I am not satisfied that Respondent is sufficiently
3 rehabilitated to receive an unrestricted salesperson license.

4 NOW, THEREFORE, IT IS ORDERED that Respondent's petition for removal of
5 restrictions on Respondent's real estate salesperson license is denied.

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

7 DATED June 11, 2018

8 WAYNE S. BELL
9 REAL ESTATE COMMISSIONER

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12 By: DANIEL J. SANDRI
13 Chief Deputy Commissioner