

*Handwritten initials/signature*

**FILED**

NOV - 2 2012

DEPARTMENT OF REAL ESTATE  
BY: *Handwritten signature*

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of  
LOUIS CRUZ,  
Respondent.

No. H-34896 LA

ORDER DENYING REINSTATEMENT OF LICENSE

On March 3, 2009, a Decision was rendered revoking the real estate broker license of Respondent, but granting Respondent the right to apply for a restricted broker license. A restricted broker license was issued April 24, 2009. It had been determined that there was cause to revoke Respondent's license based on failure to supervise, misrepresentation, dishonest dealings, negligence, and failure to maintain transactional documents.

On May 3, 2011, Respondent petitioned for reinstatement of said real estate broker license.

I have considered the petition of Respondent and the evidence submitted in support thereof. Respondent has failed to demonstrate to my satisfaction that Respondent has undergone sufficient rehabilitation to warrant the reinstatement of Respondent's real estate broker license at this time.

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

5                   The Department has developed criteria in Section 2911 of Title 10, California  
6 Code of 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                   Regulation 2911(k)—Correction of business practices

9                   A 2012 Department audit of Respondent's books and records found violations of  
10 the Real Estate Law.

11                   Given the violations found and the fact that Respondent has not established that  
12 Respondent has complied with Regulation 2911 (k), I am not satisfied that Respondent is  
13 sufficiently rehabilitated to receive a real estate broker license.

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

16                   This Order shall become effective at 12 o'clock noon on NOV 26 2012.

17                   IT IS SO ORDERED

7/13/2012

18                   REAL ESTATE COMMISSIONER

19                   

20                   By WAYNE S. BELL  
21                   Chief Counsel