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DEC 09 2019

DEPARTMENT OF REAL ESTATE

By S. Black

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

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In the Matter of the Accusation of

SHAIMA M. HADAYAT,

Respondent.

No. H-6467 SAC

ORDER DENYING REINSTATEMENT OF LICENSE

BUT GRANTING RIGHT TO A RESTRICTED LICENSE

On January 2, 2017, in Case No. H-6467 SAC, an Order was executed which accepted the petition for the voluntary surrender of the real estate broker license of Respondent. The Order became effective on January 11, 2017.

On February 19, 2019, 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 Respondent's petition and the evidence submitted in support thereof.

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 Regulation 2911(3) Expungement of criminal convictions resulting from immoral
5 or antisocial acts.

6 Respondent's 2016 conviction has not been expunged.

7 Regulation 2911(11) Correction of business practices resulting in injury to others
8 or with the potential to cause such injury.

9 Respondent has not been off probation to fully demonstrate correction of business
10 practices.

11 Respondent has failed to demonstrate to my satisfaction that Respondent has
12 undergone sufficient rehabilitation to warrant the reinstatement of Respondent's unrestricted real
13 estate broker license.

14 I am satisfied, however, that it will not be against the public interest to issue a
15 restricted real estate broker license to Respondent.

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

20 1. Submits a completed application and pays the fee for a real estate broker
21 license within the 12 month period following the effective date of this Order; and

22 2. Submits proof that Respondent has completed the continuing education
23 requirements for renewal of the license sought. The continuing education courses must be
24 completed either (i) within the 12 month period preceding the filing of the completed
25 application, or (ii) within the 12 month period following the effective date of this Order.

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

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

8 B. The restricted license issued to Respondent may be suspended prior to
9 hearing by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner
10 that Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands
11 Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted
12 license.

13 C. Respondent shall not be eligible to apply for the issuance of an
14 unrestricted real estate license nor the removal of any of the limitations, conditions or restrictions
15 of a restricted license until four (4) years have elapsed from the date of the issuance of the
16 restricted license to Respondent.

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1 D. Respondent shall notify the Commissioner in writing within 72 hours of
2 any arrest by sending a certified letter to the Commissioner at the Department of Real Estate,
3 Post Office Box 137007, Sacramento, CA 95813-7007. The letter shall set forth the date of
4 Respondent's arrest, the crime for which Respondent was arrested and the name and address of
5 the arresting law enforcement agency. Respondent's failure to timely file written notice shall
6 constitute an independent violation of the terms of the restricted license and shall be grounds for
7 the suspension or revocation of that license.

8 This Order shall become effective at 12 o'clock noon on JAN 02 2020.

9 IT IS SO ORDERED November 22, 2019

10 DANIEL J. SANDRI
11 ACTING REAL ESTATE COMMISSIONER

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