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MAY 16 2017

BUREAU OF REAL ESTATE

By S. Blech

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BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

RAM KRISHNA NAIDU,

Respondent.

No. H-8687 SF

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

On January 6, 2005, in Case No. H-8687 SF, a Decision was rendered revoking the real estate salesperson license of Respondent effective March 4, 2005, 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 March 4, 2015. Respondent's real estate salesperson license was suspended on November 3, 2005, for failing to successfully pass the Professional Responsibility Exam as ordered in the Decision on January 6, 2015.

On May 13, 2009, Respondent petitioned for reinstatement of Respondent's real estate salesperson license. On August 4, 2010, a Decision was rendered denying reinstatement of the real estate salesperson license effective September 1, 2010.

On October 5, 2016, Respondent petitioned for reinstatement of said real estate salesperson license, and the Attorney General of the State of California has been given notice of the filing of said petition.

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 I have considered Respondent's petition and the evidence submitted in support
6 thereof.

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

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

12 Respondent failed to successfully pass the Professional Responsibility Exam
13 ordered in the Decision effective March 3, 2005, resulting in the suspension of his restricted real
14 estate salesperson license.

15 Respondent has failed to demonstrate to my satisfaction that Respondent has
16 undergone sufficient rehabilitation to warrant the reinstatement of Respondent's unrestricted real
17 estate salesperson license.

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

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

24 1. Respondent shall qualify for, take and pass the real estate salesperson
25 license examination.

26 2. Submittal of a completed application and payment of the fee for a real
27 estate salesperson license.

1 3. Respondent shall take and pass the Professional Responsibility Exam.

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

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

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

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

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

22 1. That the employing broker has read the Decision of the Commissioner
23 which granted the right to a restricted license; and

24 2. That the employing broker will exercise close supervision over the
25 performance by the restricted licensee relating to activities for which a real estate license is
26 required.

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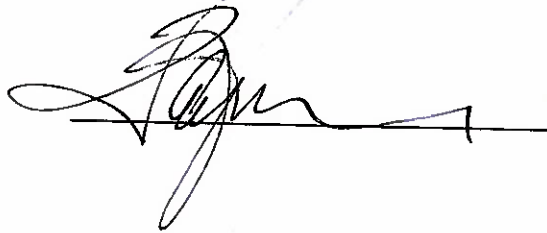
1 E. Respondent shall notify the Commissioner in writing within 72 hours of
2 any arrest by sending a certified letter to the Commissioner at the Bureau of Real Estate, Post
3 Office Box 137007, Sacramento, CA 95813-7007. The letter shall set forth the date of
4 Respondent's arrest, the crime for which 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 JUN 06 2017

9 IT IS SO ORDERED

5/13/2017

10 WAYNE S. BELL
11 REAL ESTATE COMMISSIONER

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