

glas

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

FILED

NOV 17 2020

DEPT. OF REAL ESTATE

By Zi J

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

KASHAWN MONIQUE SAVERY,

Respondent.

No. H-39604 LA

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

On December 22, 2014, in Case No. H-39604 LA, a Decision was rendered revoking the real estate broker license of Respondent effective January 22, 2015.

On May 20, 2020, 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
5 **2911. Criteria for Rehabilitation**

6 *(a) (2) Restitution to any person who has suffered monetary losses through*
7 *substantially related" acts or omissions of the applicant, or escheat to the State of*
8 *these monies or other properties if the victim(s) cannot be located.*

9 As of November 15, 2019, Respondent still owed \$1,581,772.46 in restitution to
10 the federal government.

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. Respondent shall qualify for, take and pass the real estate broker license
21 examination.

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

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

27 A. The restricted license issued to Respondent may be suspended prior to
hearing by Order of the Real Estate Commissioner in the event of Respondent's conviction or

1 plea of nolo contendere to a crime which is substantially related to Respondent's fitness or
2 capacity as a real estate licensee.

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

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

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

19
20
21 This Order shall become effective at 12 o'clock noon on DEC 17 2020

22 IT IS SO ORDERED 11.4.20

23 DOUGLAS R. McCAULEY
24 REAL ESTATE COMMISSIONER

25 Douglas R. McCauley
26
27