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FILED
AUG 09 2012
DEPARTMENT OF REAL ESTATE
By L. Frost

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

MICHELE HANSEN,

Respondent.

No. H-1975 FR

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

On August 14, 2007, in Case No. 1975 FR, a Decision was rendered revoking the real estate salesperson license of Respondent effective September 5, 2007.

On September 19, 2011, 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.

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).

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1 I have considered Respondent's petition and the evidence and arguments in
2 support thereof. Respondent has failed to demonstrate to my satisfaction that Respondent has
3 undergone sufficient rehabilitation to warrant the reinstatement of Respondent's unrestricted real
4 estate salesperson license.

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(a) The passage of not less than two years since the most recent
9 criminal conviction or act of the applicant that is a basis to deny the departmental action sought.
10 (A longer period will be required if there is a history of acts or conduct substantially related to
11 the qualifications, functions or duties of a licensee of the department.)

12 In September 2007, Respondent's real estate salesperson license was revoked for
13 committing fraud on a lender in connection with a transaction for which her real estate license
14 was required. While Respondent has demonstrated a degree of rehabilitation, the seriousness of
15 her acts which led to the revocation of her real estate license, and the relatively short amount of
16 time that has passed since that revocation lead to the conclusion that the public interest would not
17 be served by allowing Respondent to have a plenary real estate salesperson license at this time.

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 1. Submits a completed application and pays the fee for a restricted real
24 estate salesperson license within the 12 month period following the effective date of this Order;
25 and

26 2. Submits proof that Respondent has completed the continuing education
27 requirements for renewal of the license sought. The continuing education courses must be

1 completed either (i) within the 12 month period preceding the filing of the completed
2 application, or (ii) within the 12 month period following the effective date of this Order.

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

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

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

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

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

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

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

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E. Respondent shall notify the Commissioner in writing within 72 hours of any arrest by sending a certified letter to the Commissioner at the Department of Real Estate, Post Office Box 187000, Sacramento, CA 95818-7000. The letter shall set forth the date of Respondent's arrest, the crime for which Respondent was arrested and the name and address of the arresting law enforcement agency. Respondent's failure to timely file written notice shall constitute an independent violation of the terms of the restricted license and shall be grounds for the suspension or revocation of that license.

This Order shall become effective at 12 o'clock noon on AUG 29 2012.

IT IS SO ORDERED July 13, 2012

Real Estate Commissioner



By WAYNE S. BELL
Chief Counsel