

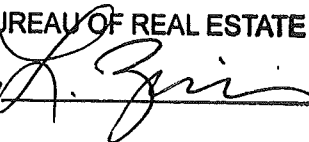
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**FILED**

NOV 25 2013

BUREAU OF REAL ESTATE

By



BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of

SANDRA MILLER,

Respondent.

No. H-2448 FRESNO

ORDER DENYING REINSTATEMENT OF LICENSE

On August 16, 2010, a Decision was rendered in Case No. H-2448 FRESNO revoking the real estate broker license of Respondent effective September 20, 2010.

On April 26, 2012, 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).

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1 I have considered the petition of Respondent and the evidence submitted 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 real estate  
4 broker license at this time.

5 The Bureau has developed criteria in Section 2911 of Title 10, California Code of  
6 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(i) Completion of, or sustained enrollment in, formal educational  
9 or vocational training courses for economic self-improvement.

10 Respondent has provided no information that she has completed, or is enrolled in,  
11 formal educational or vocational training courses for economic self-improvement.

12 Regulation 2911(j) Discharge of, or bona fide efforts toward discharging,  
13 adjudicated debts or monetary obligations to others.

14 A background search conducted in connection with Respondent's petition  
15 disclosed that Respondent has had several tax liens filed against her. When questioned about the  
16 liens by the Bureau's investigator, Respondent acknowledged the liens and stated that she had no  
17 present arrangements to repay the taxes owed.

18 Regulation 2911(k) Correction of business practices resulting in injury to others  
19 or with the potential to cause such injury.

20 One of the grounds for the revocation of Respondent's real estate broker license  
21 in 2010 was her failure to respond to a subpoena duces tecum to produce transactional records to  
22 the Bureau's investigator in connection with a complaint which was under investigation.  
23 Respondent has stated to the Bureau's investigator that the particular records requested were lost  
24 when her home was foreclosed.

25 Regulation 2911(l) Significant or conscientious involvement in community,  
26 church or privately-sponsored programs designed to provide social benefits or to ameliorate  
27 social problems.

1 Respondent has provided no information that she has any significant or  
2 conscientious involvement in community, church or privately-sponsored programs designed to  
3 provide social benefits or to ameliorate social problems.

4 Regulation 2911(n) Change in attitude from that which existed at the time of the  
5 conduct in question as evidenced by any or all of the following:

6 (1) Testimony of applicant.

7 (2) Evidence from family members, friends or other persons familiar with  
8 applicant's previous conduct and with his subsequent attitudes and behavioral  
9 patterns.

10 (3) Evidence from probation or parole officers or law enforcement officials  
11 competent to testify as to applicant's social adjustments.

12 (4) Evidence from psychiatrists or other persons competent to testify with regard  
13 to neuropsychiatric or emotional disturbances.

14 (5) Absence of subsequent felony or misdemeanor convictions that are reflective  
15 of an inability to conform to societal rules when considered in light of the conduct  
16 in question.

17 Respondent has failed to take responsibility for her failure to produce records  
18 when requested by the Bureau in connection with an investigation of a complaint against  
19 Respondent. One of the grounds for discipline of Respondent's real estate broker license was her  
20 failure to properly supervise the licensed activity of Home Lending Group, Inc., a licensed real  
21 estate corporation for which Respondent was the designated officer responsible for the  
22 supervision of all licensed activity conducted in the name of the corporation. Complaints were  
23 filed against Respondent in 1993 and 1994, and Respondent has provided no information that she  
24 did resolve, or made efforts to resolve, those complaints.

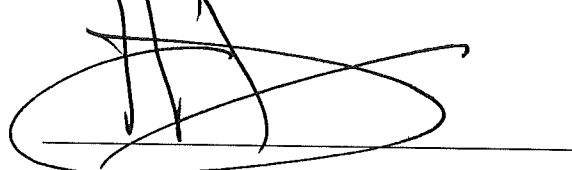
25 Given the violations found and the fact that Respondent has not established that  
26 Respondent has satisfied Regulations 2911(i), (j), (k), (l), and (n), I am not satisfied that  
27 Respondent is sufficiently rehabilitated to receive a real estate broker license.

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

3                    This Order shall become effective at 12 o'clock noon on **DEC 16 2013**

4                    IT IS SO ORDERED                    **NOV 22 2013**

5                    Real Estate Commissioner

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9                    **By: JEFFREY MASON**  
10                    **Chief Deputy Commissioner**

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