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DEPARTMENT OF REAL ESTATE
By L. Frost

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

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In the Matter of the Accusation of

VICTORIA CONTRERAS,
Respondent.

No. H-2476 FR

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

On December 23, 2010, in Case No. H-2476 FR, a Decision was rendered
revoking the real estate salesperson license of Respondent effective January 13, 2011.

On February 3, 2012, 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12 Respondent was convicted of a felony and her real estate license was revoked on
13 January 13, 2011, as a result of that conviction. Respondent's probation was terminated on April
14 30, 2012. There has been insufficient time for Respondent to establish that she has been
15 sufficiently rehabilitated to reinstate her real estate license.

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

18 Respondent has provided no information that she has completed, or is enrolled in
19 formal education or vocational training courses for her economic self-improvement.

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

22 Respondent has not discharged outstanding tax liens and/or debts to the IRS and
23 the State of California.

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

26 A restricted real estate salesperson license shall be issued to Respondent pursuant
27 to Section 10156.5 of the Business and Professions Code, if Respondent satisfies the following

1 conditions prior to and as a condition of obtaining a restricted real estate salesperson license
2 within twelve (12) months from the effective date of this Order:

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

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

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

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

16 B. The restricted license issued to Respondent may be suspended prior to
17 hearing by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner
18 that Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands
19 Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted
20 license.

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

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

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

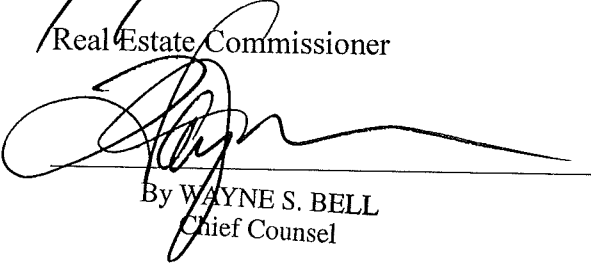
5 2. That the employing broker will exercise close supervision over the
6 performance by the restricted licensee relating to activities for which a real estate license is
7 required.

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

15 This Order shall become effective at 12 o'clock noon on NOV 21 2012.

16 IT IS SO ORDERED

17 10/11/2012
18 /Real Estate Commissioner

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20 By WAYNE S. BELL
21 Chief Counsel
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