

FILED

MAR 08 2023

DEPARTMENT OF REAL ESTATE
By S. Black

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of

NICOLE LEE BROWN,

Respondent.

No. H-3222 FR

ORDER DENYING REMOVAL OF RESTRICTIONS ON LICENSE

On March 17, 2019, a Decision was rendered herein denying Respondent's application for a real estate salesperson license, 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 28, 2019, and Respondent has held a restricted license since that time.

On May 28, 2021, Respondent petitioned for the removal of restrictions attaching to Respondent's real estate salesperson license.

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 issuance or reinstatement of a license. Among the criteria relevant in this proceeding are:

4 Regulation 2911(14) 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 (a) Testimony of applicant.

7 Respondent provided two reference letter that could not be verified and
8 Respondent failed to respond to interview attempts that are required for the petition process.

9 Respondent has failed to demonstrate to my satisfaction that Respondent has
10 undergone sufficient rehabilitation to warrant the removal of the restrictions on Respondent's real
11 estate salesperson license at this time.

12 Given the fact that Respondent has not established that Respondent has complied
13 with Regulations 2911(14)(a), I am not satisfied that Respondent is sufficiently rehabilitated to
14 receive an unrestricted salesperson license.

15 NOW, THEREFORE, IT IS ORDERED that Respondent's petition for removal of
16 restrictions on Respondent's real estate salesperson license is denied.

MAR 29 2023

17 This Order shall become effective at 12 o'clock noon on _____.

18 DATED 3/7/2023

19 DOUGLAS R. McCAULEY
20 REAL ESTATE COMMISSIONER

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22 _____
23 By: Marcus L. McCarther
24 Chief Deputy Real Estate Commissioner
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