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AUG 08 2018

DEPARTMENT OF REAL ESTATE

By R. P. S. S. S.

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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In the Matter of the Accusation of

ANNE RUTH HAAS,

No. H-4113 SD

Respondent.

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

On December 1, 2015, in Case No. H-4113 SD, an Order was executed which accepted the petition for the voluntary surrender of the real estate broker license of Respondent. The Order became effective on December 24, 2015.

On April 18, 2018, 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

1 thereof.

2 The Department has developed criteria in Section 2911 of Title 10, California
3 Code of Regulations (Regulations) to assist in evaluating the rehabilitation of an applicant for
4 reinstatement of a license. Among the criteria relevant in this proceeding are:

5 Regulation 2911. Criteria of Rehabilitation (Denial)

6 (a) The following criteria have been developed and will be considered by the
7 Bureau pursuant to Section 482 of the Business and Professions Code for the
8 purpose of evaluating whether or not an applicant is rehabilitated for purposes of issuance or for
9 reinstatement of license:

10 11) Correction of business practices resulting in injury to others or with the
11 potential to cause such injury.

12 Since Respondent has only operated as a real estate salesperson in the State of
13 New York, she cannot demonstrate that she has corrected the broker supervision issues which led
14 to her license surrender.

15 12) Significant or conscientious involvement in community, church or
16 privately-sponsored programs designed to provide social benefits or to ameliorate social
17 problems.

18 Respondent listed activity the "Coming Together Foundation" on her
19 Enforcement Petition Application. However, there was no evidence of significant involvement
20 with this foundation after 1997.

21 14) Change in attitude from that which existed at the time of the conduct in
22 question as evidenced by following:

23 (B) Evidence from family members, friends and/or other persons familiar with
24 applicant's previous conduct and with his or her subsequent attitudes and/or behavioral patterns.

25 Although Respondent submitted several letters of recommendation, none of the
26 authors exhibited substantial familiarity with the conduct which led to the surrender of
27 Respondent's license. Nor did these letters indicate how her attitudes or behavioral patterns have

1 changed since the time of her surrender.

2 Respondent has not undergone sufficient rehabilitation to warrant the
3 reinstatement of Respondent's unrestricted real estate broker license.

4 I am satisfied, however, that it will not be against the public interest to issue a
5 restricted real estate broker license to Respondent.

6 A restricted real estate broker license shall be issued to Respondent pursuant to
7 Section 10156.5 of the Business and Professions Code, if Respondent satisfies the following
8 conditions prior to and as a condition of obtaining a restricted real estate broker license within
9 twelve (12) months from the effective date of this Order:

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

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

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

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

23 B. The restricted license issued to Respondent may be suspended prior to
24 hearing by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner
25 that Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands
26 Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted
27 license.

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

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

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

13 IT IS SO ORDERED August 3, 2018

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15 DANIEL J. SANDRI
16 ACTING REAL ESTATE COMMISSIONER

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