

MO

FILED

MAY 31 2017

BUREAU OF REAL ESTATE

By R. Posada

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of

AMY L. MAXWELL-CAMERON,

Respondent.

No. H-04499 SD

ORDER DENYING REMOVAL OF RESTRICTIONS ON LICENSE

On February 3, 2014, 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 February 28, 2014, and Respondent has held a restricted license since that time.

On October 28, 2016, 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

1 thereof.

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

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

8 Although Respondent's Petition Application indicates past involvement as a
9 "community assistant soccer coach", this involvement predated her criminal conviction, and
10 therefore does not demonstrate rehabilitation.

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

13 (1) Testimony of applicant.

14 Question 8A of Respondent's Petition Application asks "Has psychiatric
15 treatment of counseling ever been obtained?" Respondent answered "no", despite
16 records indicating she underwent psychotherapy for at least two years following
17 the incident which led to her criminal conviction.

18
19 In response to Question 9 of her Petition Application, regarding family status,
20 Respondent checked the box marked "married" instead of the box marked
21 "married more than once." The evidence indicates Respondent has been married
22 more than once.

23
24 Respondent submitted a written statement with her Petition Application in which
25 she claimed that prior to February 2005 "I had never taken a single drug in my
26 life, only Advil or Tylenol." However, record shows that in 1998 and 1999,
27 Respondent struggled with personal issues and was placed on Zoloft.

1 Respondent's written statement further claims the incident leading to her
2 manslaughter conviction "was caused by an adverse reaction to medication and
3 not reckless behavior." The criminal court determined that, on the day of the
4 incident, Respondent had consumed 20 sleeping pills. Respondent conceded that
5 the evidence indicated she "was incoherent and under the influence of a suicidal
6 overdose of Sonata" The consumption of 20 pills was not the prescribed use of
7 her medication, and certainly constituted "reckless behavior".

8
9 As described above, Respondent repeatedly misstates or minimizes her past
10 difficulties in her Petition Application. Lack of candor in completing a license
11 application is itself sufficient to sustain a finding that Respondent does not yet
12 appreciate the need to speak honestly about and to accept responsibility for one's
13 actions. *Harrington V. Department of Real Estate* (1989), 214 Cal.App. 3d 394,
14 406.

15
16 (2) Evidence from family members, friends or other persons familiar with
17 applicant's previous conduct and with his subsequent attitudes and behavioral
18 patterns.

19 None of the reference letters submitted by Respondent acknowledge the behavior
20 which led to her manslaughter conviction. Nor do they indicate how her attitude
21 or behavior have changed since that time.

22
23 Respondent has failed to demonstrate to my satisfaction that Respondent has
24 undergone sufficient rehabilitation to warrant the removal of the restrictions on Respondent's real
25 estate salesperson license at this time.

1 Given the fact that Respondent has not established that Respondent has complied
2 with Regulations 2911(l) and (n)(1) and (2), I am not satisfied that Respondent is sufficiently
3 rehabilitated to receive an unrestricted salesperson license.

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

6 This Order shall become effective at 12 o'clock noon on JUN 20 2017

7 DATED 5/24/2017

8 WAYNE S. BELL
9 REAL ESTATE COMMISSIONER

10 
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27