

FILED

JUN 28 2022

DEPT. OF REAL ESTATE

By R. Posada

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

HOLLY A. WU,

No. H-4768 SD

Respondent.

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

On July 8, 2016, in Case No. H-4786 SD, a Decision was rendered revoking the real estate salesperson license of Respondent effective August 2, 2016.

On March 24, 2021, 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).

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

4
5 ***2911. Criteria for Rehabilitation (Denial)***

6 *(a) (14)Change in attitude from that which existed at the time of the conduct in
7 question as evidenced by the following:*

8 *(A) Testimony and/or other evidence of rehabilitation submitted by the applicant.*

9 Respondent continues to claim she thought the loan modification companies she
10 worked were legitimate, even though her license was twice disciplined for
employment by loan modification companies that did not have a licensed broker.

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

13 Respondent submitted several recommendation letters. However, the writers of the
14 letters did not demonstrate knowledge of the conduct which led to Respondent's license
discipline, let alone how her attitudes and behavior may have changed since that conduct.

15 Respondent has failed to demonstrate to my satisfaction that Respondent has
16 undergone sufficient rehabilitation to warrant the reinstatement of Respondent's unrestricted real
17 estate salesperson license.

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

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

24 1. Respondent shall qualify for, take and pass the real estate salesperson
25 license examination.
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27

1 2. Submittal of a completed application and payment of the fee for a real
2 estate salesperson license.

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

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

10 B. The restricted license issued to Respondent may be suspended prior to
11 hearing by Order of the Real Estate Commissioner on evidence satisfactory to the
12 Commissioner that Respondent has violated provisions of the California Real Estate Law, the
13 Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to
14 the restricted license.

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

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

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

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

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This Order shall become effective at 12 o'clock noon on JUL 18 2022

IT IS SO ORDERED 5.27.22

DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER

Douglas R. McCauley