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FILED
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DEPARTMENT OF REAL ESTATE
By R. Mat

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

LINDA JEAN WILLIAMSON,

Respondent.

No. H-4790 SAC

ORDER DENYING REINSTATEMENT OF LICENSE

On August 17, 2008, a Decision was rendered in Case No. H-4790 SAC revoking the real estate broker license of Respondent effective September 24, 2008, but granting Respondent the right to the issuance of a restricted real estate broker license. A restricted real estate broker license was issued to Respondent on September 24, 2008, and Respondent has operated as a restricted licensee since that time.

On November 4, 2010, 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

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1 integrity than an applicant for first time licensure. The proof must be sufficient to overcome the
2 prior adverse judgment on the applicant's character (*Tardiff v. State Bar* (1980) 27 Cal. 3d 395).

3 I have considered the petition of Respondent and the evidence submitted in
4 support thereof. Respondent has failed to demonstrate to my satisfaction that Respondent has
5 undergone sufficient rehabilitation to warrant the reinstatement of Respondent's real estate
6 broker license at this time.

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

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

12 (1) Testimony of applicant.

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

16 (5) Absence of subsequent behaviors or incidents that are reflective of an inability
17 to conform to the Real Estate Law or Regulations when considered in light of the
18 conduct in question.

19 As a part of the petition process, an audit of trust fund handling and record
20 keeping of First Choice, Inc. (FCI) and Shasta Fun, Inc. (SFI), licensed corporate real estate
21 brokers, was performed. The Department's auditor concluded that, as of April 30, 2011, the SFI
22 trust account had a shortage of \$315.29. Respondent stated to the Department's investigator, as
23 part of the petition process, that she did not feel that it was her fault that a shortage existed in the
24 STI trust account; and minimized the problem by stating that the shortage was only \$315 and
25 was cured quickly. The primary reason that Respondent's real estate broker license was revoked
26 in 2008 was her failure to properly supervise the licensed activity of FCI and SFI. By expressing
27 a somewhat cavalier attitude (casual or indifferent toward matters of some importance),

1 Respondent has not demonstrated a sufficient change in attitude to allow her to work as a real
2 estate broker with an unrestricted license.


3 Given the violations found and the fact that Respondent has not established that
4 Respondent has satisfied Regulations 2911(n) I am not satisfied that Respondent is sufficiently
5 rehabilitated to receive a real estate broker license.

6 NOW, THEREFORE, IT IS ORDERED that Respondent's petition for
7 reinstatement of Respondent's real estate broker license is denied.

8 This Order shall become effective at 12 o'clock noon on DEC 10 2012.

9 IT IS SO ORDERED

10 9/10/2012
11 Real Estate Commissioner

12 
13 By WAYNE S. BELL
14 Chief Counsel