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DEPARTMENT OF REAL ESTATE
By K. Miller

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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In the Matter of the Accusation of

CONSTANCE HELEN WRIGHT,

No. H-5077 SAC

Respondent.

ORDER DENYING REINSTATEMENT OF BROKER LICENSE
BUT GRANTING RIGHT TO AN UNRESTRICTED SALESPERSON LICENSE

On February 11, 2009, in Case No. H-5077 SAC, a Decision was rendered revoking the real estate broker license of Respondent effective March 11, 2009, but granting Respondent the right to issuance of a restricted real estate salesperson license. A restricted real estate salesperson license was issued to Respondent on March 11, 2009, and Respondent has operated as a restricted licensee since that time.

On June 27, 2011, 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 Respondent's petition and the evidence and arguments 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 unrestricted real
6 estate broker license.

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(a) The passage of not less than two years since the most recent
11 criminal conviction or act of the applicant that is a basis to deny the departmental action sought.
12 (A longer period will be required if there is a history of acts or conduct substantially related to
13 the qualifications, functions or duties of a licensee of the department.)

14 Respondent's real estate broker license was revoked with the right to a restricted
15 salesperson license effective March 11, 2009. Considering the number and severity of violations
16 which led to that decision, sufficient time has not passed for Respondent to demonstrate that she
17 would not present a danger to the public as an unrestricted (and unsupervised) real estate broker.

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

20 NOW, THEREFORE, IT IS ORDERED that Respondent's petition for
21 reinstatement of Respondent's broker license is denied; however, an unrestricted real estate
22 salesperson license shall be issued to Respondent if Respondent satisfies the following
23 requirements:

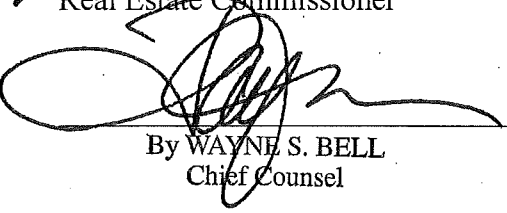
- 24 1. Submits a completed application and pays the fee for a real estate
25 salesperson license within the 12 month period following the effective date of this Order; and
- 26 2. Submits proof that Respondent has completed the continuing education
27 requirements for renewal of the license sought. The continuing education courses must be

1 completed either (i) within the 12 month period preceding the filing of the completed
2 application, or (ii) within the 12 month period following the effective date of this Order.

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

4 IT IS SO ORDERED

5 9/17/2012
Real Estate Commissioner

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By WAYNE S. BELL
7 Chief Counsel
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