

FILED

OCT 20 2020

DEPARTMENT OF REAL ESTATE

By S. Black

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 DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of:) DRE No. H-10115 SF
)
MARIA EUGENIA AVILA,)
)
Respondent.)
_____)

ORDER DENYING REMOVAL OF DISCIPLINE INFORMATION FROM RESPONDENT'S
PUBLIC INFORMATION PAGE ON THE DEPARTMENT OF REAL ESTATE'S WEBSITE

On June 11, 2008, in Case No. H-10115 SF, a Decision was rendered disciplining the real estate salesperson license of Respondent effective July 7, 2008.

On April 25, 2019, Respondent petitioned for the removal of discipline information from Respondent's Public Information Page on the Department of Real Estate's Website ("the Website").

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 Sections 2911 and 2912 of Title 10,
2 California Code of Regulations (Regulations) to assist in evaluating the rehabilitation of a
3 petitioner for the removal of discipline information from the website. Among the criteria relevant
4 in this proceeding are:

5 Regulation 2912(m)(1) Testimony of applicant.

6 Respondent failed to successfully demonstrate rehabilitation when she failed to
7 disclose her 2011 conviction when she petitioned in 2015 for reinstatement of real estate sales
8 person license resulting in a denial; however Respondent may qualify, take and pass the real estate
9 salesperson exam and apply for a restricted license.

10 Respondent has failed to demonstrate to my satisfaction that Respondent is not a
11 credible risk to the public and that Respondent has undergone sufficient rehabilitation to warrant
12 the removal of discipline information from the Website.

13 Given the violations found and the fact that Respondent has not established that
14 Respondent has satisfied Regulation 2912(m)(1). I am not satisfied that Respondent is sufficiently
15 rehabilitated for the removal of discipline information from the website.

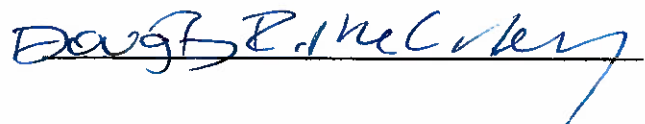
16 The earliest date on which the Respondent may submit a new petition for the
17 removal of discipline the website is one year from the effective date of this Decision. If, and when
18 petition is again made for this licensee, all competent evidence of rehabilitation presented by the
19 Respondent will be considered by the Real Estate Commissioner.

20 NOW, THEREFORE, IT IS ORDERED that Respondent's petition for the removal
21 of discipline information from the Website is denied.

22 This Order shall become effective immediately.

23 DATED: 9.25.20

24 DOUGLAS R. McCAULEY
25 REAL ESTATE COMMISSIONER

26 
27