

FILED

AUG 31 2021

DEPARTMENT OF REAL ESTATE  
By S. Black

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BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

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In the Matter of the Accusation of  
  
ADRIENNE PAOLINI McGRATH,  
  
Respondent.

No. H-12037 SF

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

On June 21, 2017, in Case No. H-12037 SF, a Decision was rendered revoking the real estate salesperson license of Respondent effective July 13, 2017.

On November 19, 2019, 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.

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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           Regulation 2911(1) The passage of not less than two years since the most recent  
5 criminal conviction or act of the applicant that is a basis to deny the Department action sought.  
6 (A longer period will be required if there is a history of acts or conduct substantially related to  
7 the qualifications, functions or duties of a licensee of the Department.)

8           Respondent has provided no proof of expungement of her misdemeanor  
9 conviction.

10           Regulation 2911(14) 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           (a) Testimony of applicant.

13           Respondent failed to disclose she was a defendant named in several civil cases.

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

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

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

- 23           1.       Submits a completed application and pays the fee for a real estate  
24 salesperson license within the 12 month period following the effective date of this Order; and  
25           2.       Submits proof that Respondent has completed the continuing education  
26 requirements for renewal of the license sought. The continuing education courses must be  
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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 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 Commissioner  
12 that Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands  
13 Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted  
14 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 restrictions  
17 of a restricted license until two (2) years have elapsed from the date of the issuance of the  
18 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

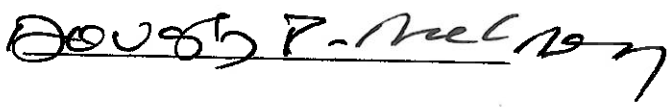
25 2. That the employing broker will exercise close supervision over the  
26 performance by the restricted licensee relating to activities for which a real estate license is  
27 required.

1 E. Respondent shall notify the Commissioner in writing within 72 hours of  
2 any arrest by sending a certified letter to the Commissioner at the Department of Real Estate,  
3 Post Office Box 137007, Sacramento, CA 95813-7007. The letter shall set forth the date of  
4 Respondent's arrest, the crime for which Respondent was arrested and the name and address of  
5 the arresting law enforcement agency. Respondent's failure to timely file written notice shall  
6 constitute an independent violation of the terms of the restricted license and shall be grounds for  
7 the suspension or revocation of that license.

8 This Order shall become effective at 12 o'clock noon on SEP 21 2021

9 IT IS SO ORDERED 8-12-21

10 DOUGLAS R. McCAULEY  
11 REAL ESTATE COMMISSIONER

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