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FILED

SEP 16 2019

DEPT. OF REAL ESTATE

By R. POSADA

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Application of

LILY L. LABASH,

No. H-28355 LA

Respondent.

ORDER DENYING REMOVAL OF RESTRICTIONS ON LICENSE

On February 8, 2000, a Decision was rendered herein denying Respondent's application for a real estate salesperson license, but granting Respondent the right to the issuance of a restricted real estate salesperson license. A restricted real estate salesperson license was issued to Respondent on February 15, 2000, and Respondent has held a restricted license since that time.

On January 29, 2019, Respondent petitioned for the removal of restrictions attaching to Respondent's real estate salesperson license.

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

1 thereof.

2 The Department has developed criteria in Section 2911 of Title 10, California
3 Code of Regulations ("Regulations") to assist in evaluating the rehabilitation of an applicant for
4 issuance or reinstatement of a license. Among the criteria relevant in this proceeding are:

5
6 **2911. Criteria for Rehabilitation**

7 *(a) (3) Expungement of criminal convictions.*

Respondent has offered no evidence that her criminal conviction was expunged.

8 *(a) (9) Completion of, or sustained enrollment in, formal education or vocational*
9 *training courses for economic self-improvement.*

Respondent has offered no evidence of completing any such courses.

10 *(a)(12) Significant or conscientious involvement in community, church or*
11 *privately-sponsored programs designed to provide social benefits or to*
12 *ameliorate social problems.*

Respondent has offered no evidence on significant involvement in any such
13 programs.

14 Respondent has failed to demonstrate to my satisfaction that Respondent has
15 undergone sufficient rehabilitation to warrant the removal of the restrictions on Respondent's real
16 estate salesperson license at this time.

17 Given the fact that Respondent has not established that Respondent has complied
18 with Regulations 2911(a)(3) and (a)(9) and (a)(12), I am not satisfied that Respondent is
19 sufficiently rehabilitated to receive an unrestricted salesperson license.

20 NOW, THEREFORE, IT IS ORDERED that Respondent's petition for removal of
21 restrictions on Respondent's real estate salesperson license is denied.

22 This Order shall become effective at 12 o'clock noon on OCT 05 2019.

23 DATED September 9, 2019

24 DANIEL J. SANDRI
25 ACTING REAL ESTATE COMMISSIONER

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