

FILED

FEB 27 2018

BUREAU OF REAL ESTATE

By L. Posed

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

ALLIE DINH,

No. H-38504 LA

Respondent.

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

On December 11, 2013, in Case No. H-38504 LA, a Decision was rendered revoking the real estate broker license of Respondent effective January 3, 2014.

On October 3, 2017, 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 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 Bureau has developed criteria in Section 2911 of Title 10, California Code of
2 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. Criteria of Rehabilitation (Denial)

5 (a)(2) Restitution to any person who has suffered monetary losses through
6 "substantially related" acts or omissions of the applicant or escheat to the State of these monies
7 or other properties if the victim(s) cannot be located.

8 Respondent was ordered to pay over \$49,000 in restitution to the victims in her
9 grand theft case. To date, she still owes approximately \$43,000 in restitution.

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

13 In response to Question 12 in her license application, to wit: "Are you or have you
14 been active in social, civic, or community groups?", Respondent answered "no".

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

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

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

24 1. Respondent shall qualify for, take and pass the real estate broker license
25 examination.

26 2. Submittal of a completed application and payment of the fee for a real
27 estate broker license.

1 The restricted license issued to Respondent shall be subject to all of the provisions
2 of Section 10156.7 of the Business and Professions Code and to the following limitations,
3 conditions and restrictions imposed under authority of Section 10156.6 of that Code:

4 A. The restricted license issued to Respondent may be suspended prior to
5 hearing by Order of the Real Estate Commissioner in the event of Respondent's conviction or
6 plea of nolo contendere to a crime which is substantially related to Respondent's fitness or
7 capacity as a real estate licensee.

8 B. The restricted license issued to Respondent may be suspended prior to
9 hearing by Order of the Real Estate Commissioner on evidence satisfactory to the
10 Commissioner that Respondent has violated provisions of the California Real Estate Law, the
11 Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to
12 the restricted license.

13 C. Respondent shall not be eligible to apply for the issuance of an
14 unrestricted real estate license nor the removal of any of the limitations, conditions or
15 restrictions of a restricted license until two (2) years have elapsed from the date of the issuance
16 of the restricted license to Respondent.

17 D. Respondent shall notify the Commissioner in writing within 72 hours of
18 any arrest by sending a certified letter to the Commissioner at the Bureau of Real Estate, Post
19 Office Box 137007, Sacramento, CA 95813-7007. The letter shall set forth the date of
20 Respondent's arrest, the crime for which Respondent was arrested and the name and address of
21 the arresting law enforcement agency. Respondent's failure to timely file written notice shall
22 constitute an independent violation of the terms of the restricted license and shall be grounds for
23 the suspension or revocation of that license.

24 If Respondent fails to meet the above requirements, and those of sections 10150.6,
25 10153 and 10153.2 of the California Business & Professions Code, to qualify for the issuance of
26 a real estate broker license, Respondent may be issued a real estate salesperson license if
27 Respondent qualifies for, takes and passes the examination for a real estate salesperson license,

1 submits a completed application and pays the required fee for a salesperson license within the 12
2 month period following the date of this order, and meets all of the other requirements for issuance
3 of a real estate salesperson license, including but not limited to section 10151 of the California
4 Business & Professions Code.

5
6 This Order shall become effective at 12 o'clock noon on MAR 19 2018

7 IT IS SO ORDERED 2/22/18

8 WAYNE S. BELL
9 REAL ESTATE COMMISSIONER

10
11 
12 By: DANIEL J. SANDRI
13 Chief Deputy Commissioner
14
15
16
17
18
19
20
21
22
23
24
25
26
27