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FILED

SEP 05 2018

DEPARTMENT OF REAL ESTATE

By R. P. [Signature]

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of

RHONDA JOHAN GRAHAM,

No. H-39179 LA

Respondent.

**AMENDED¹ ORDER DENYING REINSTATEMENT OF LICENSE
BUT GRANTING RIGHT TO A RESTRICTED SALESPERSON LICENSE**

On July 31, 2014, a Decision was rendered in Case No. H-39179 LA, revoking the real estate salesperson license of Respondent effective August 28, 2014, but granting Respondent the right to apply for a restricted real estate salesperson license. Respondent did not apply for a restricted license, leaving her license revoked to date.

On February 6, 2018, 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 and arguments in

¹ Amended order replaces the Order filed 8/29/2018. Title read: "Order Denying Reinstatement of License" Title has been corrected to: "Amended Order Denying Reinstatement of License But Granting Right to a Restricted Salesperson License."

1 support 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 reinstatement of a license. Among the criteria relevant in this proceeding are:

5 **2911. Criteria of Rehabilitation**

6 **(a)(3) Expungement of criminal convictions**

7 Respondent only offered evidence that one of her four criminal convictions has
8 been expunged.

9 **(a)(10) Discharge of, or bona fide efforts toward discharging, adjudicated debts or**
10 **monetary obligations to others.**

11 On February 23, 2010, the State of California filed an \$8,681 tax lien against
12 Respondent.

13 On November 19, 2008 a \$66,099 federal tax lien was filed against Respondent.

14 Respondent has offered no evidence of discharging, or bona fide efforts towards
15 discharging these monetary obligations.

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

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

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

25 **1. Respondent shall qualify for, take and pass the real estate salesperson**
26 **license examination.**

1 2. Submittal of a completed application and payment of the fee for a real
2 estate salesperson license.

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
12 Commissioner that Respondent has violated provisions of the California Real Estate Law, the
13 Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to
14 the restricted 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
17 restrictions of a restricted license until two (2) years have elapsed from the date of the issuance
18 of the 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.

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2 E. Respondent shall notify the Commissioner in writing within 72 hours of
3 any arrest by sending a certified letter to the Commissioner at the Department of Real Estate,
4 Post Office Box 137000, Sacramento, CA 95813-7000. The letter shall set forth the date of
5 Respondent's arrest, the crime for which Respondent was arrested and the name and address of
6 the arresting law enforcement agency. Respondent's failure to timely file written notice shall
7 constitute an independent violation of the terms of the restricted license and shall be grounds for
8 the suspension or revocation of that license.

9 This Order shall become effective at 12 o'clock noon on

SEP 25 2018

10 IT IS SO ORDERED August 27, 2018

11 DANIEL J. SANDRI
12 ACTING REAL ESTATE COMMISSIONER

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14 *Daniel J. Sandri*
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AUG 29 2018

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9 IT IS SO ORDERED August 27, 2018

10 DANIEL J. SANDRI
11 ACTING REAL ESTATE COMMISSIONER

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