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DEPT. OF REAL ESTATE

By R. P. Sade

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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In the Matter of the Accusation of

BONAVENTURE UGOCHUKWU UGONWA,

No. H-39550 LA

Respondent.

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

On March 24, 2015, in Case No. H-39550 LA, a Decision was rendered revoking the real estate broker license of Respondent effective April 21, 2015.

On June 11, 2019, 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 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
5 **2911. Criteria for Rehabilitation**

6 (a) (14) Change in attitude from that which existed at the time of the conduct in
7 question as evidenced by the following:

8 (A) Testimony and/or other evidence of rehabilitation submitted by the applicant.

9 In Response to Question 7 in his petition application, to wit: "Have you or any
10 entity in which you had ownership, held an officer title, or exercised control on or over ever
11 been a defendant or a cross-defendant in any civil court litigation?", Respondent failed to
12 disclose that on March 29, 2018, before the Superior Court of California for the County of Los
13 Angeles, Case No. BC700083, a civil case was filed, naming Respondent as a defendant.
14 Respondent filed an answer to the civil complaint on October 11, 2018, approximately 8 months
15 before submitting his petition application. In *Harrington vs. Dept. of Real Estate (1989)*, 214
16 Cal. App. 3d, 394, the court stated that lack of candor in completing a license application is itself
17 sufficient to sustain a finding that the applicant does not yet appreciate the need to speak
18 honestly about and to accept responsibility for one's actions.

19 Respondent has failed to demonstrate to my satisfaction that Respondent has
20 undergone sufficient rehabilitation to warrant the reinstatement of Respondent's unrestricted real
21 estate broker license.

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

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

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

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

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

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

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

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

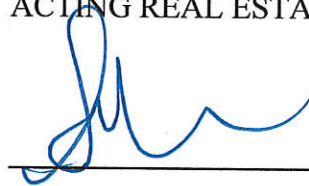
21 D. If Respondent fails to meet the above requirements, and those of sections
22 10150.6, 10153 and 10153.2 of the California Business & Professions Code, to qualify for the
23 issuance of a real estate broker license, Respondent may be issued a real estate salesperson
24 license if Respondent qualifies for, takes and passes the examination for a real estate salesperson
25 license, submits a completed application and pays the required fee for a salesperson license
26 within the 12 month period following the date of this order, and meets all of the other
27

1 requirements for issuance of a real estate salesperson license, including but not limited to section
2 10151 of the California Business & Professions Code.

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4 This Order shall become effective at 12 o'clock noon on MAR 25 2020.

5 IT IS SO ORDERED

6 3/2/20
7 SANDRA KNAU
8 ACTING REAL ESTATE COMMISSIONER

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