

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

FILED

MAY 22 2018

BUREAU OF REAL ESTATE

By R. Rosado

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of

AYRA LIN FAN,

No. H-39805 LA

Respondent.

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

On November 22, 2015, in Case No. H-39805 LA, a Decision was rendered revoking the real estate broker license of Respondent effective December 15, 2015.

On January 12, 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 11) Correction of business practices resulting in injury to others or with the
6 potential to cause such injury.

7 Following the revocation of her broker license, Respondent failed to correct a
8 website listing her as a "broker" with "9 years experience". Respondent also failed to present
9 evidence of addressing multiple complaints received from consumers prior to the revocation of
10 her license.

11 14) Change in attitude from that which existed at the time of the conduct in
12 question as evidenced by following:

13 (A) Testimony of applicant and/or evidence of rehabilitation submitted by the
14 applicant.

15 Respondent demonstrated a poor understanding of the violations which led to her
16 license discipline and failed to offer a satisfactory explanation of how she would properly
17 manage a brokerage.

18 Respondent has undergone insufficient rehabilitation to warrant the reinstatement
19 of Respondent's unrestricted real estate broker license.

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

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

26 1. Submits a completed application and pays the fee for a real estate broker
27 license within the 12 month period following the effective date of this Order; and

1 2. Submits proof that Respondent has completed the continuing education
2 requirements for renewal of the license sought. The continuing education courses must be
3 completed either (i) within the 12 month period preceding the filing of the completed
4 application, or (ii) within the 12 month period following the effective date of this Order.

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

21 D. Respondent shall submit with any application for license under an
22 employing broker, or any application for transfer to a new employing broker, a statement signed
23 by the prospective employing real estate broker on a form approved by the Bureau of Real Estate
24 which shall certify:

25 1. That the employing broker has read the Decision of the Commissioner
26 which granted the right to a restricted license; and

27 2. That the employing broker will exercise close supervision over the

1 performance by the restricted licensee relating to activities for which a real estate license is
2 required.

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

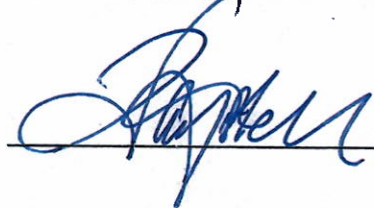
JUN 11 2018

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

11 IT IS SO ORDERED

5/18/2018

12 WAYNE S. BELL
13 REAL ESTATE COMMISSIONER

14 
15
16
17
18
19
20
21
22
23
24
25
26
27