

CRITERIA FOR REHABILITATION (REVOCATION)

RE 574 (Rev. 7/18)

LEGAL SECTION

Your real estate license has been revoked or suspended by the Real Estate Commissioner based wholly or in part upon (1) a criminal conviction, or (2) an act involving dishonesty, fraud or deceit done with intent to substantially benefit yourself or another or with the intent or threat of substantially injuring another or property, or (3) an act which if done by a real estate licensee would be grounds for revocation of that license, or (4) upon the grounds that you knowingly made a false statement of fact required to be revealed in the application for such license. The reason(s) for the revocation or suspension is set forth in the attached Decision.

Set forth below is the Criteria for Rehabilitation. These criteria have been developed by the Department of Real Estate as guidelines to assist you to establish a rehabilitation program and in the preparation of your case should you petition in the future for reinstatement of your license or for a reduction of your penalty.

Not all of the factors listed in the Criteria will be applicable in the case of every revoked or suspended license nor will each applicable factor necessarily be given equal weight in evaluating a person's rehabilitation. Each person must decide which of these factors are applicable to his or her case and should then take appropriate steps toward rehabilitation to the end of satisfying the Real Estate Commissioner that it would not be against the public interest to grant reinstatement of the license or a reduction of the penalty

2912. Criteria for Rehabilitation (Revocation or Suspension).

The following criteria have been developed and will be considered by the Department pursuant to Section 482 of the Business and Professions Code for the purpose of evaluating whether or not a licensee against whom an administrative disciplinary proceeding for revocation or suspension of the license has been initiated on account of a crime committed by the licensee is rehabilitated:

- (a) The time that has elapsed since commission of the act(s) or offense(s):
 - (1) The passage of less than two years after the most recent criminal conviction or act of the licensee that is a cause of action in the Department's Accusation against the licensee is inadequate to demonstrate rehabilitation.
 - (2) Notwithstanding subdivision (a)(1), above, the two year period may be increased based upon consideration of the following:
 - (A) The nature and severity of the crime(s) and/or act(s) committed by the licensee.
 - (A) The licensee's history of criminal convictions and/or license discipline that are "substantially related" to the qualifications, functions, or duties of a real estate licensee.
- (b) Restitution to any person who has suffered monetary losses through "substantially related" acts or omissions of the licensee, or escheat to the State of these monies or other properties if the victim(s) cannot be located.
- (b) Expungement of the conviction(s) which culminated in the administrative proceeding to take disciplinary action.
- (c) Expungement or discontinuance of a requirement of registration pursuant to the provisions of Section 290 of the Penal Code.

- (d) Successful completion or early discharge from probation or parole.
- (e) Abstinence from the use of controlled substances and/or alcohol for not less than two years if the criminal conviction was attributable in part to the use of a controlled substance and/or alcohol.
- (f) Payment of any fine imposed in connection with the criminal conviction that is the basis for revocation or suspension of the license.
- (g) Correction of business practices responsible in some degree for the crime or crimes of which the licensee was convicted.
- (h) New and different social and business relationships from those which existed at the time of the commission of the acts that led to the criminal conviction or convictions in question.
- (i) Stability of family life and fulfillment of parental and familial responsibilities subsequent to the criminal conviction.
- (j) Completion of, or sustained enrollment in, formal educational or vocational training courses for economic self-improvement.
- (k) Significant and conscientious involvement in community, church or privately sponsored programs designed to provide social benefits or to ameliorate social problems.
- (l) Change in attitude from that which existed at the time of the commission of the criminal acts in question as evidenced by any or all of the following:
 - (1) Testimony and/or other evidence of rehabilitation submitted by the licensee.
 - (1) Evidence from family members, friends and/or other persons familiar with the licensee's previous conduct and with subsequent attitudes and/or behavioral patterns.

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- (3) Evidence from probation or parole officers and/or law enforcement officials competent to testify as to licensee's social adjustments.
- (4) Evidence from psychiatrists, clinical psychologists, sociologists or other persons competent to testify with regard to neuropsychiatric or emotional disturbances.

- (5) Absence of subsequent felony convictions, misdemeanor convictions, or other conduct that provides grounds to discipline a real estate licensee, which reflect an inability to conform to societal rules when considered in light of the conduct in question.

Note: Authority cited: Sections 482 and 10080, Business and Professions Code. Reference: Sections 482 and 490, Business and Professions Code.

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