

AMENDED IN SENATE AUGUST 15, 2016

AMENDED IN SENATE JUNE 22, 2016

AMENDED IN SENATE JUNE 20, 2016

AMENDED IN ASSEMBLY MAY 27, 2016

AMENDED IN ASSEMBLY APRIL 18, 2016

AMENDED IN ASSEMBLY APRIL 4, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1807

Introduced by Assembly Member Bonta

February 8, 2016

An act to amend Section 10083.2 of, and to add Section 10223 to, of the Business and Professions Code, relating to real estate licensees, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1807, as amended, Bonta. Real estate licensees.

The Real Estate Law provides for the licensure and regulation of real estate brokers and real estate salespersons by the Bureau of Real Estate, headed by the Real Estate Commissioner. Fees charged and collected under the Real Estate Law, except as otherwise provided, are deposited into the Real Estate Fund and continuously appropriated for use by the commissioner, as specified. Existing law requires the commissioner to provide on the Internet specific information regarding the status of every license issued by the department.

This bill would authorize the commissioner, upon petition by a licensee accompanied by a specified fee, to remove from the posting

of discipline an item that has been posted on the bureau’s Internet Web site for at least 10 years and for which the licensee provides evidence of rehabilitation indicating that the notice is no longer required to prevent a credible risk to members of the public utilizing licensed activity of the licensee. The bill would require the commissioner, in evaluating a petition, to take into consideration other violations that present a credible risk to the members of the public since the posting of discipline requested for removal, as specified. Because the fees collected pursuant to these provisions would be deposited in the Real Estate Fund, which is continuously appropriated, the bill would make an appropriation. The bill would also authorize the bureau to develop, through regulations, *the amount of the fee and* the minimum information to be included in a licensee’s petition, including, but not limited to, a written justification and evidence of rehabilitation. *The bill would require the petition process to commence January 1, 2018, or upon completion of regulations to implement the process, whichever comes first.*

Vote: majority. Appropriation: yes. Fiscal committee: yes.
 State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares the following:
- 2 (a) It is appropriate for the Bureau of Real Estate to continue
- 3 to report on its license verification Internet Web page when
- 4 discipline has been imposed upon a licensee for conduct that
- 5 indicates a credible risk of financial or physical harm to members
- 6 of the public in the future.
- 7 (b) It is appropriate for the Bureau of Real Estate to consider
- 8 and grant on a case-by-case basis a licensee’s petition to
- 9 discontinue the reporting of past disciplinary actions when the
- 10 petitioning licensee has demonstrated to the satisfaction of the
- 11 Real Estate Commissioner that the continued reporting is no longer
- 12 required in order to avoid or reduce such a risk to the public.
- 13 (c) The Bureau of Real Estate may require a petitioner to pay
- 14 in advance of consideration a fee to defray costs associated with
- 15 consideration of the petition.
- 16 (d) Nothing in this act shall be construed to authorize or require
- 17 the destruction of public records maintained pursuant to the
- 18 California Public Records Act (Chapter 3.5 (commencing with

1 Section 6250) of Division 7 of Title 1 of the Government Code),
2 or to refuse a request for production of such a record.

3 (e) The Legislature intends by this act to establish a process by
4 which a licensee may petition the Bureau of Real Estate to remove
5 a notice of past discipline from the license verification Internet
6 Web page of the bureau.

7 SEC. 2. Section 10083.2 of the Business and Professions Code
8 is amended to read:

9 10083.2. (a) The commissioner shall provide on the Internet
10 information regarding the status of every license issued by the
11 department in accordance with the California Public Records Act
12 (Chapter 3.5 (commencing with Section 6250) of Division 7 of
13 Title 1 of the Government Code) and the Information Practices
14 Act of 1977 (Chapter 1 (commencing with Section 1798) of Title
15 1.8 of Part 4 of Division 3 of the Civil Code). The public
16 information to be provided on the Internet shall include information
17 on suspensions and revocations of licenses issued by the
18 department and accusations filed pursuant to the Administrative
19 Procedure Act (Chapter 3.5 (commencing with Section 11340) of
20 Part 1 of Division 3 of Title 2 of the Government Code) relative
21 to persons or businesses subject to licensure or regulation by the
22 department. The information shall not include personal information,
23 including home telephone number, date of birth, or social security
24 number. The commissioner shall disclose a licensee's address of
25 record. However, the commissioner shall allow a licensee to
26 provide a post office box number or other alternate address, instead
27 of his or her home address, as the address of record. This section
28 shall not preclude the commissioner from also requiring a licensee
29 who has provided a post office box number or other alternative
30 mailing address as his or her address of record to provide a physical
31 business address or residence address only for the department's
32 internal administrative use and not for disclosure as the licensee's
33 address of record or disclosure on the Internet.

34 (b) For purposes of this section, "Internet" has the meaning set
35 forth in paragraph (6) of subdivision (f) of Section 17538.

36 (c) Upon petition by a licensee accompanied by a fee sufficient
37 to defray costs associated with consideration of a petition, ~~as~~
38 ~~described in Section 10223~~, the commissioner may remove from
39 the posting of discipline described in subdivision (a) an item that
40 has been posted on the bureau's Internet Web site for no less than

1 10 years and for which the licensee provides evidence of
2 rehabilitation indicating that the notice is no longer required in
3 order to prevent a credible risk to members of the public utilizing
4 licensed activity of the licensee. In evaluating a petition, the
5 Commissioner shall take into consideration other violations that
6 present a credible risk to the members of the public since the
7 posting of discipline requested for removal.

8 (d) The bureau may develop, through regulations, *the amount*
9 *of the fee and* the minimum information to be included in a
10 licensee’s petition, including, but not limited to, a written
11 justification and evidence of rehabilitation pursuant to Section
12 482.

13 (e) “Posted” for purposes of this section is defined as the date
14 of disciplinary action taken by the bureau.

15 (f) *The petition process described by subdivisions (c) and (d)*
16 *shall commence January 1, 2018, or upon completion of*
17 *regulations to implement the process, whichever comes first.*

18 ~~SEC. 3. Section 10223 is added to the Business and Professions~~
19 ~~Code, to read:~~

20 ~~10223. (a) The fee for a real estate salesperson to petition the~~
21 ~~Bureau of Real Estate for removal of a notice of disciplinary action~~
22 ~~from the bureau’s Internet Web site after the passage of no less~~
23 ~~than 10 years of the action first being noticed online shall be the~~
24 ~~same as that for an unrestricted real estate salesperson license as~~
25 ~~provided in Section 10215.~~

26 ~~(b) The fee for a real estate broker to petition the Bureau of Real~~
27 ~~Estate for removal of a notice of disciplinary action from the~~
28 ~~bureau’s Internet Web site after the passage of no less than 10~~
29 ~~years of the action first being noticed online shall be the same as~~
30 ~~that for an unrestricted real estate broker license as provided in~~
31 ~~Section 10210.~~