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**SB-1225 Real estate appraisers: disciplinary information: petitions.** (2023-2024)

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**Senate Bill No. 1225**

**CHAPTER 461**

An act to amend Section 11317.2 of the Business and Professions Code, relating to real estate appraisers.

[ Approved by Governor September 22, 2024. Filed with Secretary of State September 22, 2024. ]

**LEGISLATIVE COUNSEL'S DIGEST**

SB 1225, Jones. Real estate appraisers: disciplinary information: petitions.

Existing law, the Real Estate Appraisers' Licensing and Certification Law, establishes the Bureau of Real Estate Appraisers for the licensure, regulation, and discipline of real estate appraisers. Existing law requires the bureau to provide on the internet prescribed information regarding the status of every license and registration issued by the bureau, including information on suspensions and revocations of licenses and registrations issued by the bureau and accusations filed relative to persons or businesses subject to licensure, registration, or regulation by the bureau.

This bill would authorize the bureau, 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 website 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, except as specified. The bill would require the bureau, 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. The bill would 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.

This bill would also authorize the bureau, upon petition by an immediate family member or heir of a deceased licensee that is accompanied by a specified fee, to remove from the posting of discipline an item that has been posted on the bureau's internet website with regard to the deceased licensee for any duration. The bill would authorize the bureau to develop, through regulations, the amount of the fee and the minimum information to be included in such a petition.

This bill would require the bureau to maintain a list of all licensees whose disciplinary records are altered as a result of the petition processes and to update the list and make it available to other licensing bodies, as specified.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

**THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:**

**SECTION 1.** Section 11317.2 of the Business and Professions Code is amended to read:

**11317.2.** (a) (1) In addition to publishing the summary required by Section 11317, the bureau shall provide on the internet information regarding the status of every license and registration issued by the bureau in accordance with the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code) and the Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code).

(2) The public information to be provided on the internet shall include information on suspensions and revocations of licenses and registrations issued by the bureau and accusations filed pursuant to the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) relative to persons or businesses subject to licensure, registration, or regulation by the bureau.

(3) The information shall not include personal information, including home telephone number, date of birth, or social security number. The bureau shall disclose a licensee's or registrant's address of record. However, the bureau shall allow a licensee or registrant to provide a post office box number or other alternate address, instead of the licensee's home address, as the address of record. This section shall not preclude the bureau from also requiring a licensee or registrant who has provided a post office box number or other alternative mailing address as the licensee's address of record to provide a physical business address or residence address only for the bureau's internal administrative use and not for disclosure as the licensee's or registrant's address of record or disclosure on the internet.

(4) In addition to the information required by subdivision (a), the bureau shall provide, on the internet, the continuing education course information provided by a licensee when an individual applies for licensure renewal.

(b) The bureau shall not provide on the internet identifying information with respect to private reprimands or letters of warning, which shall remain confidential.

(c) (1) (A) Except as specified in subparagraph (B), upon petition by a licensee that is accompanied by a fee sufficient to defray administrative costs associated with consideration of a petition pursuant to this subdivision, the bureau may remove from the posting of discipline described in subdivision (a) an item that has been posted on the bureau's internet website for no less than 10 years and for which the licensee provides evidence of rehabilitation indicating that the notice is no longer required in order to prevent a credible risk to members of the public utilizing licensed activity of the licensee.

(B) Notwithstanding subparagraph (A), a licensee shall not petition to remove from the posting of discipline described in subdivision (a) either of the following:

(i) A license revocation.

(ii) A voluntary surrender that was the result of a pending investigation.

(C) In evaluating a petition filed pursuant to this subdivision, the bureau shall take into consideration other violations that present a credible risk to the members of the public since the posting of discipline requested for removal.

(2) The bureau may develop, through regulations, the amount of the fee and the minimum information to be included in a licensee's petition pursuant to paragraph (1), including, but not limited to, a written justification and evidence of rehabilitation pursuant to Section 482.

(d) (1) Upon petition by an immediate family member or heir of a deceased licensee that is accompanied by a fee sufficient to defray administrative costs associated with consideration of a petition pursuant to this subdivision, the bureau may remove from the posting of discipline described in subdivision (a) an item that has been posted on the bureau's internet website with regard to the deceased licensee for any duration.

(2) The bureau may develop, through regulations, the amount of the fee and the minimum information to be included in a petition pursuant to paragraph (1).

(e) The bureau shall maintain a list of all licensees whose disciplinary records are altered as a result of a petition approved under subdivision (c) or (d). The bureau shall make the list accessible to other licensing bodies. The bureau shall update and provide the list to other licensing bodies as often as it modifies the records displayed on its internet website in response to petitions approved under subdivision (c) or (d).

(f) For purposes of this section:

(1) "Internet" has the meaning set forth in paragraph (6) of subdivision (f) of Section 17538.

(2) "Posted" for purposes of this section is defined as the date of disciplinary action taken by the bureau.