

# Avoid Potential Denial of Your License Application

**A background investigation is conducted on all license applicants and disclosure of a conviction or failure to disclose a conviction may result in a recommendation of denial of a license. If your application for a license is denied, your license fees will not be refunded.**

**Denial of a license may be recommended for the following reasons:**

- Failure to disclose pending criminal charges, criminal convictions, or disciplinary action taken against a business, professional license, certificate or permit by an agency in California, another state or by the Federal government.
- Conviction of a felony and the felony is substantially related to the qualifications, functions and duties of a real estate licensee.
- Conviction of a misdemeanor and the conviction is substantially related to the qualifications, functions and duties of a real estate licensee.
- Administrative action taken against a business, professional license, certificate or permit by an agency in California, another state or by the Federal government.
- A determination that the facts of a particular case warrant denial, such as the nature or severity of the act or the presence of aggravating factors.

**The most common disqualifying convictions are listed below; however this list is not all-inclusive:**

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|---|--|
| ➤ Assault with intent to commit rape  | ➤ Murder   |
| ➤ Bribing public officer or employee  | ➤ Obtaining money by false pretenses   |
| ➤ Burglary  | ➤ Perjury  |
| ➤ Conviction that requires registration pursuant to Section 290 of the Penal Code | ➤ Sexually related conduct affecting a person who is an observer or non consenting participant |
| ➤ Criminal conspiracy   | ➤ Perjury  |
| ➤ Embezzlement  | ➤ Petty theft  |
| ➤ Extortion   | ➤ Possession of drugs for sale or transport  |
| ➤ Filing a false police or fire report  | ➤ Soliciting a lewd act from a minor or non consenting adult.                                  |
| ➤ Forgery   | ➤ Tax evasion  |
| ➤ Fraud   |  |
| ➤ Grand theft   |  |

**\* Definition of “Conviction”**

“Convicted” includes a verdict of guilty by judge or jury, a plea of guilty, a plea of nolo contendere (*i.e.*, “no contest”), or a forfeiture of bail in the courts (including military courts) of any state, commonwealth, possession or country. **All convictions must be disclosed, no matter how long ago they occurred, and even if the plea or verdict was set aside, the conviction dismissed or expunged under Penal Code Section 1203.4, or you have been pardoned.** Convictions occurring while you were a minor (under 18 years of age) must be disclosed unless the record of the conviction has been sealed under Section 1203.45 of the California Penal Code or Section 781 of the California Welfare and Institutions Code.

Read the questions on the application carefully and answer truthfully and completely. Failure to disclose disciplinary actions, criminal convictions or pending criminal charges which occurred in your **entire history** may be considered an attempt to obtain a license by fraud or misrepresentation. Irrespective of any advice that may be received from others, the license applicant alone is responsible for disclosing accurate and complete information.