

## DRE Implements Petition Process for Removing Discipline Information from Website

California Business and Professions Code Section 10083.2 requires the California Department of Real Estate (DRE) to provide information regarding the status of every DRE licensee on its website, including information regarding any disciplinary actions taken by the DRE against a licensee. The purpose of these disclosures is to ensure full transparency concerning information the DRE deems to present a "credible risk" to members of the public.

The issue with Section 10083.2, however, has always been that it has no time limit. This means disciplinary actions that occurred (and may have been fully rectified) ten or more years ago are still posted to the website, even when the licensee has since remained in full compliance with all DRE regulations and the actions clearly no longer represent a credible risk to anybody.

In light of this issue, Section 10083.2 was amended in 2016 to implement a process through which a licensee is able to petition the DRE to have a notice of discipline removed from the website if the action is over 10 years old. These amendments, however, required the DRE to adopt regulations establishing the standards and filing fees for this removal process before petitions could be accepted.

After several delays, the DRE has now finally approved Regulation 2915 of Title 10, Chapter 6 of the California Code of Regulations establishing the process and standards for removal petitions to be filed under Section 10083.2. Simultaneously, the DRE also issued two new forms for use in the petition process: RE 506R - Petition Application Form and Checklist (Removal of Discipline Information From DRE Website), and RE 506 - Petition Application Form and Checklist (Reinstatement or Removal of Restrictions). Form RE 506R is the basic petition application form for use by all petitioning licensees. Form 506 is for use by licensees that must reinstate a revoked or suspended license or remove restrictions of a license as part of the removal process (see below).

Regulation 2915 became effective on March 7, 2019, and the DRE began accepting removal petitions as of that date. To have disciplinary information removed, the following requirements must be met:



by *K. Bradley Rogerson*

1. **A petitioner's disciplinary action must be eligible for removal.** The following disciplinary actions listed on the DRE's public license lookup are eligible for removal: Revoked, Restricted, Surrendered, Suspended (if suspended by a Disciplinary Order, Decision, or Stipulation and Agreement), Public Repeal, D&R (i.e., desist and refrain orders), and BAR Orders.
2. **The petitioner must be a current real estate licensee.** Individuals who would like to petition for removal of discipline information, but are not current licensees, must first regain their licensed status. If a license has been expired for more than two years, a prospective petitioner must first successfully reapply for their real estate license following standard application guidelines (e.g., passing the appropriate real estate exam). In the case of revoked or suspended licenses, the prospective petitioner must submit a petition for license reinstatement on the newly issued form RE 506 referenced above. The RE 506 reinstatement petition may be submitted concurrently with a 506R removal petition, requiring payment of a single petition processing fee (see below), but both petitions must be approved, and the petitioner must complete the steps for license reinstatement before the applicable discipline information is removed.
3. **The discipline sought to be removed must be at least 10 years old.** The effective date of the discipline at issue must be 10 or more years prior to the date of the RE 506R petition.
4. **The petitioner must have a current Live Scan submission.** The petitioner must submit a set of classifiable fingerprints using Live Scan Service Request RE 237. This fingerprinting must be completed no earlier than 30 days prior to mailing the petition.
5. **The petitioner must pay the petition fee.** The petition fee is \$1,275, which must be submitted by check, money order, cashier's check, or credit card at the time the petition is filed. A single petition may be used to request the removal of multiple instances of discipline as long as each instance is eligible for removal.

The above information is a summary of the removal requirements under Regulation 2915 only. Further information about Regulation 2915 and the removal petition process, as well as copies of RE 506 and RE 506R, are now available on the [DRE's website](#).

For questions or guidance on conducting business under a DRE license, please contact us.

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