

A conviction of a DUI can prevent the issuance or cause the suspension or revocation of a real estate license if combined with another conviction involving drugs or alcohol.

The California Real Estate Commissioner has developed criteria for the denial, suspension or revocation of a real estate license in addition to the laws passed by the California Legislature.

The California Business and Professions Code provides that an administrative agency may suspend or revoke a professional license if a person is convicted of a crime substantially related to the qualification, functions, or duties of the business or profession. ([Bus. & Prof. Code § 490.](#)) The Code then directs each licensing board to develop criteria to aid it when considering whether a crime is substantially related to the qualifications of a profession so as to deny, suspend, or revoke a license because of the conviction. ([Bus. & Prof. Code § 481.](#))

For Real Estate Salespersons and Brokers, the [Department of Real Estate](#) is guided by 10 CCR § 2910, which provides, among other things, that “two or more convictions involving the consumption or use of alcohol or drugs when at least one of the convictions involve driving and the use or consumption of alcohol or drugs” shall be substantially related to the real estate profession.

According to a Commissioner at the Department of Real Estate, each application is reviewed and considered individually. So while an applicant or licensed individual may have a potentially disqualifying conviction, the person may be able to receive a restricted license. In exercising its discretion regarding whether to deny, suspend, or revoke a license the Department is guided by 10 CCR § 2911, which lists criteria for evaluating an individual’s rehabilitation. Section 2911 provides, among other things, that abstinence from drugs or alcohol for at least two years will be considered if that was the basis for the denial.

The Department must, however, consider two or more convictions involving the consumption of alcohol or drugs substantially related to the real estate profession if at least one of the convictions involves driving and the consumption of alcohol or drugs. While the Department can inquire into the circumstances of the conviction so as to fix the degree of discipline, it appears that the Real Estate Commissioner has unequivocally determined that a DUI coupled with another conviction involving the use of drugs or alcohol is substantially related to the qualifications, functions, or duties of a real estate license so as to warrant the blanket category.

If you or someone you know has been arrested for a DUI charge contact [The Law Office of Johnson & Johnson](#) at 925.952.8900 for a consultation.