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FILED

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DEPARTMENT OF REAL ESTATE

By K. Contreras

9 BEFORE THE
10 DEPARTMENT OF REAL ESTATE
11 STATE OF CALIFORNIA

12 * * *

13 In the Matter of the Application of)
14 ERIC K. WANENE,)
15 Respondent.)

No. H-11510 SF
STATEMENT OF ISSUES

16 The Complainant, ROBIN S. TANNER, a Deputy Real Estate Commissioner
17 of the State of California, for Statement of Issues against ERIC K. WANENE (hereinafter
18 "Respondent"), is informed and alleges as follows:

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20 The Complainant makes this Statement of Issues in her official capacity.

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22 On or about November 28, 2008, Respondent, via Stipulation and Waiver entered
23 into in Case No. H-10340 SF, was issued a restricted real estate salesperson license by the State
24 of California Department of Real Estate (hereinafter "Department"). To date, Respondent has
25 not petitioned the Department for removal of the restriction on his license. Respondent remains
26 licensed as a restricted real estate salesperson.

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2 On or about July 6, 2011, Respondent made application to the Department for a
3 real estate broker license, with the knowledge and understanding that any license issued as a
4 result of said application would be subject to the conditions of Section 10153.2 of the Business
5 and Professions Code (hereinafter "Code").

6 4

7 On or about December 5, 2000, in the Municipal Court of the State of California,
8 County of Alameda, Respondent was convicted of violating Section 594(a) of the California
9 Penal Code (vandalism), a misdemeanor and a crime that bears a substantial relationship under
10 Section 2910, Title 10 of the California Code of Regulations (hereinafter "Regulations"), to the
11 qualifications, functions or duties of a real estate licensee.

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13 On or about March 27, 2001, in the Municipal Court of the State of California,
14 County of Alameda, Respondent was convicted of violating Section 647(f) of the California
15 Penal Code (disorderly conduct while intoxicated), a misdemeanor and a crime that bears a
16 substantial relationship under Section 2910, Title 10 of the Regulations, to the qualifications,
17 functions or duties of a real estate licensee.

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19 On or about April 23, 2002, in the Municipal Court of the State of California,
20 County of Alameda, Respondent was convicted of violating Section 597(b) of the California
21 Penal Code (intentional cruelty to an animal), a misdemeanor and a crime that bears a substantial
22 relationship under Section 2910, Title 10 of the Regulations, to the qualifications, functions or
23 duties of a real estate licensee.

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25 On or about May 6, 2003, in the Municipal Court of the State of California,
26 County of Alameda, Respondent was convicted of violating Section 602(n) of the California
27 Penal Code (willful trespass via motor vehicle), a misdemeanor and a crime that bears a

1 substantial relationship under Section 2910, Title 10 of the Regulations, to the qualifications,
2 functions or duties of a real estate licensee.

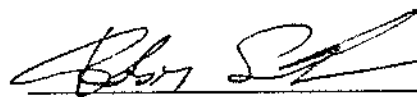
3 8

4 On or about June 21, 2005, in the Municipal Court of the State of California,
5 County of Alameda, Respondent was convicted of violating Section 242 of the California Penal
6 Code (the willful battery against another), a misdemeanor and a crime that bears a substantial
7 relationship under Section 2910, Title 10 of the Regulations, to the qualifications, functions or
8 duties of a real estate licensee.

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10 Respondent's criminal convictions, as set forth in Paragraphs 4 through 8,
11 constitute cause for denial of Respondent's application for a real estate broker license pursuant to
12 the provisions of Sections 480(a) (conviction of crime) and 10177(b) (further grounds for
13 disciplinary action; conviction of crime) of the Code.

14 WHEREFORE, Complainant prays that a hearing be conducted and, upon proof
15 of the charges contained herein, that the Commissioner refuse to authorize the issuance of, and
16 deny the issuance of a real estate broker license to Respondent, and for such other and further
17 relief as may be proper under any other provision of the law.

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21 ROBIN S. TANNER
22 Deputy Real Estate Commissioner

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24 Dated at Oakland, California,
25 this 30th day of January, 2013.