6 7	7 NOV 0 1 2018 DEPARTMENT OF REAL ESTATE
2       Department of Real Estate         2       P.O. BOX 137007         3       Sacramento, CA 95813-700         4       Telephone:       (916) 263-4         5       (916) 263-5         6       7	7       NOV 0 1 2018         7       DEPARTMENT OF REAL ESTATE         8672       By Y Yrayp         3767 (Fax)       Yrayp         7303 (Direct)       PRE THE DEPARTMENT OF REAL ESTATE
2       Department of Real Estate         P.O. BOX 137007         3       Sacramento, CA 95813-700         4       Telephone:       (916) 263-4         5       (916) 263-5         6       7	7       NOV 0 1 2018         7       DEPARTMENT OF REAL ESTATE         8672       By Y Yrayp         3767 (Fax)       Yrayp         7303 (Direct)       PRE THE DEPARTMENT OF REAL ESTATE
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<ul> <li>3 Sacramento, CA 95813-700</li> <li>4 Telephone: (916) 263-4</li> <li>5 (916) 263-5</li> <li>6 (916) 263-7</li> <li>6 7</li> </ul>	DEPARTMENT OF REAL ESTATE By Y Wrapp 7303 (Direct) RE THE DEPARTMENT OF REAL ESTATE
5 (916) 263-3 6 7	DEPARTMENT OF REAL ESTATE By Y Wrapp 7303 (Direct) RE THE DEPARTMENT OF REAL ESTATE
5 (916) 263-3 6 (916) 263-3 7	BY Y WAY 7303 (Direct) RE THE DEPARTMENT OF REAL ESTATE
6 7	RE THE DEPARTMENT OF REAL ESTATE
8 BEFO	
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10	<b>*</b> * *
11 In the Matter of the Applicat	ion of )
12 KENNETH XAVIER (	) NO. H-12321 SF
13	) STATEMENT OF ISSUES
14	Respondent. )
15 The Complain	nant, ROBIN S. TANNER, acting in her official capacity as a
16 Supervising Special Investig	ator of the State of California, for this Statement of Issues against
	BY ("Respondent"), is informed and alleges as follows:
18	1
19 On or about Ju	ly 18, 2017, Respondent made application to the Department of
20 Real Estate of the State of Ca	lifornia for a real estate salesperson license.
21	2
	Question 28 of said application to wit: "HAVE YOU EVER BEEN
	<b>GRAPH ABOVE)</b> OF ANY VIOLATION OF THE LAW AT THE
12	NY LEVEL? IF YES, COMPLETE ITEM 34 WITH
25 INFORMATION ON EAC	H CONVICTION," Respondent concealed and failed to disclose
26 the conviction described belo	w in Paragraph 3.
27    ///	
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3 2 On or about September 16, 1997, in the Superior Court of the State of California, 3 County of Alameda, Case No. 418533, Respondent was convicted of violating Section 4 10980(c)(2) (false statement or representation to receive welfare aid) of the Welfare and 5 Institutions Code, a misdemeanor and a crime that bears a substantial relationship to the qualifications, functions or duties of a real estate licensee pursuant to Section 2910, Title 10, of 6 7 the California Code of Regulations. 8 **GROUNDS FOR DENIAL** 9 10 Respondent's failure to disclose the conviction described above in Paragraph 3, 11 constitutes cause for denial of Respondent's application for a real estate salesperson license pursuant to the provisions of Sections 480(d) (false statement of fact required to be revealed in 12 application) and 10177(a) (attempted procurement of real estate license by fraud, 13 misrepresentation, or deceit) of the California Business and Professions Code ("Code"). 14 15 16 Respondent's criminal conviction described above in Paragraph 3, constitutes 17 cause for denial of Respondent's application for a real estate salesperson license pursuant to the provisions of Sections 480(a)(1) (conviction of crime), 480(a)(2) (act involving dishonesty, 18 19 fraud, or deceit), 10177(b) (conviction of crime), and 10177(j) (engaged in conduct that constitutes fraud or dishonest dealing) of the Code. 20 21 WHEREFORE, the Complainant prays that the above-entitled matter be set for hearing and, upon proof of the charges contained herein, that the Commissioner refuse to 22 23 authorize the issuance of, and deny the issuance of, a real estate salesperson/broker license to Respondent, and for such other and further relief as may be proper under applicable provisions of 24 25 law. 26 III27 ///

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ROBIN S. TANNER Supervising Special Investigator

4 Dated at Oakland, California,

day of Oct 20184, 2018. this B

## DISCOVERY DEMAND

Pursuant to Sections 11507.6, *et seq.* of the *Administrative Procedure Act*, the Department hereby makes demand for discovery pursuant to the guidelines set forth in the *Administrative Procedure Act*. Failure to provide Discovery to the Department may result in the exclusion of witnesses and documents at the hearing or other sanctions that the Office of Administrative Hearings deems appropriate.

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