

**FILED**

APR 28 2014

BUREAU OF REAL ESTATE

By J. Alvarado

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \* \*

In the Matter of the Accusation of	)	
	)	NO. H-04583 SD
DAVID ARTHUR CRUICKSHANK,	)	
	)	
Respondent.	)	
_____	)	

DECISION

This Decision is being issued in accordance with the provisions of California Government Code section 11520 on evidence of compliance with California Government Code section 11505 and pursuant to the Order of Default filed on April 8, 2014 and the findings of fact set forth herein are based on one or more of the following: (1) Respondent's express admissions; (2) affidavits; and (3) other evidence.

This Decision revokes a real estate license on grounds of a conviction for a crime.

The right to reinstatement of a revoked real estate license or to the reduction of a suspension is controlled by California Government Code section 11522. A copy of California Government Code section 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of Respondent.

FINDINGS OF FACT

1.

On February 14, 2014, an Accusation was filed by Veronica Kilpatrick in her official capacity as a Deputy Real Estate Commissioner of the State of California. On February 14, 2014, the Accusation, Statement to Respondent, and Notice of Defense were mailed by certified mail, return receipt requested, and regular mail to Respondent's last known mailing address on file with the Bureau of Real Estate.

On April 8, 2014, no Notice of Defense having been filed herein within the time prescribed by California Government Code section 11506, Respondent's default was entered herein.

2.

Respondent is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code as a real estate salesperson.

3.

On or about January 11, 2012, in the Superior Court of California, County of San Diego, in case no. M132834, Respondent was convicted of violating California Penal Code sections 242 (battery) and 240 (assault), both misdemeanors.

4.

The evidence established that the crimes of which Respondent was convicted, as set forth in Paragraph 3, above, are substantially related to the qualifications, functions, and duties of a real estate licensee under Section 2910, Title 10, Chapter 6, California Code of Regulations.

#### DETERMINATION OF ISSUES

1.

Cause for disciplinary action against Respondent exists pursuant to California Business and Professions Code sections 490, 10177(b), and 10186.2(a).

2.

The standard of proof applied was clear and convincing proof to a reasonable certainty.

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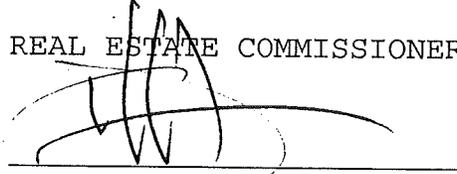
ORDER

The license and license rights of Respondent  
DAVID ARTHUR CRUICKSHANK under the provisions of California  
Business and Professions Code Division 4, Part I are revoked.

This Decision shall become effective at 12 o'clock noon  
on MAY 19 2014.

DATED: APR 22 2014.

REAL ESTATE COMMISSIONER

A handwritten signature in black ink, appearing to read 'JM', is written over a horizontal line. The signature is stylized and somewhat illegible.

**JEFFREY MASON**  
**Chief Deputy Commissioner**

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APR 08 2014

BUREAU OF REAL ESTATE

By 

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

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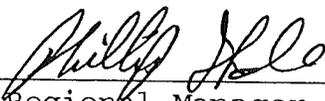
In the Matter of the Accusation of	)	No. H-04583 SD
	)	
DAVID ARTHUR CRUICKSHANK,	)	
	)	
Respondent.	)	
_____	)	

DEFAULT ORDER

Respondent DAVID ARTHUR CRUICKSHANK, having failed to file a Notice of Defense within the time required by California Government Code section 11506 is now in default. It is, therefore, ordered that a default be entered on the record in this matter.

IT IS SO ORDERED APRIL 8, 2014.

Real Estate Commissioner

By:   
Regional Manager

1 DIANE LEE, Counsel (SBN 247222)  
2 Bureau of Real Estate  
3 320 West 4th Street, Suite 350  
4 Los Angeles, California 90013

5 Telephone: (213) 576-6982  
6 (Direct) (213) 576-6907

**FILED**

FEB 14 2014

BUREAU OF REAL ESTATE

By John Chubb

7  
8 BEFORE THE BUREAU OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of ) No. H- 04583 SD  
12 )  
13 DAVID ARTHUR CRUICKSHANK, ) A C C U S A T I O N  
14 ) Respondent. )

15 The Complainant, Veronica Kilpatrick, a Deputy Real  
16 Estate Commissioner of the State of California for cause of  
17 Accusation against DAVID ARTHUR CRUICKSHANK ("Respondent")  
18 alleges as follows:

19 1.

20 The Complainant, Veronica Kilpatrick, a Deputy Real  
21 Estate Commissioner of the State of California, makes this  
22 Accusation in her official capacity.

23 2.

24 Respondent is presently licensed and/or has license  
25 rights under the Real Estate Law, Part 1 of Division 4 of the  
26 California Business and Professions Code as a real estate  
27 salesperson.

1 (CRIMINAL CONVICTIONS)

2 3.

3 On or about January 11, 2012, in the Superior Court of  
4 California, County of San Diego, case no. M132834, Respondent  
5 was convicted of violating California Penal Code sections 242  
6 (battery) and 240 (assault), both misdemeanors. These crimes  
7 are substantially related to the qualifications, functions, or  
8 duties of a real estate licensee under Section 2910, Title 10,  
9 Chapter 6, California Code of Regulations.

10 4.

11 The crimes of which Respondent was convicted, as  
12 described above, constitute cause under California Business and  
13 Professions Code sections 490 and 10177(b) for the suspension or  
14 revocation of the license and license rights of Respondent under  
15 the Real Estate Law.

16 5.

17 California Business and Professions Code section 10106  
18 provides, in pertinent part, that in any order issued in  
19 resolution of a disciplinary proceeding before the bureau, the  
20 Commissioner may request the administrative law judge to direct  
21 a licensee found to have committed a violation of this part to  
22 pay a sum not to exceed the reasonable costs of investigation  
23 and enforcement of the case.

24 WHEREFORE, Complainant prays that a hearing be  
25 conducted on the allegations of this Accusation and that upon  
26 proof thereof, a decision be rendered imposing disciplinary  
27 action against all licenses and/or license rights under the Real

1 Estate Law (Part 1 of Division 4 of the California Business and  
2 Professions Code) of Respondent DAVID ARTHUR CRUICKSHANK for the  
3 cost of investigation and enforcement as permitted by law, and  
4 for such other and further relief as may be proper under  
5 applicable provisions of law.

6 Dated at San Diego, California: Dec. 9th, 2013.

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9 \_\_\_\_\_  
10 Veronica Kilpatrick  
11 Deputy Real Estate Commissioner  
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25 cc: DAVID ARTHUR CRUICKSHANK  
26 Veronica Kilpatrick  
27 Sacto.