

**FILED**

MAR 17 2016

**BUREAU OF REAL ESTATE**

By R. dew

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BEFORE THE BUREAU OF REAL ESTATE  
STATE OF CALIFORNIA

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In the Matter of the Application of )

NICOLE LEE BROWN, )

Respondent. )

No. H-3000 FR

STATEMENT OF ISSUES

The Complainant, BRENDA SMITH, in her official capacity as Supervising  
Special Investigator of the State of California, brings this Statement of Issues against  
NICOLE LEE BROWN<sup>1</sup> ("Respondent") and is informed and alleges as follows:

1

Respondent made application to the Bureau of Real Estate of the State of  
California for a real estate salesperson license on or about September 24, 2014.

FIRST CAUSE OF ACTION

Failure to Disclose

2

In response to Section 25 of said application, to wit: "HAVE YOU EVER  
BEEN CONVICTED OF ANY VIOLATION OF THE LAW? ALL STATE AND

<sup>1</sup> Also known as "EBONY LATRICE BROWN."

1 FEDERAL MISDEMEANOR AND FELONY CONVICTIONS...MUST BE  
2 DISCLOSED,” Respondent concealed and failed to disclose the convictions identified at  
3 Paragraphs 4 through 7, below.

4 3

5 The facts alleged at Paragraph 2, above, constitute cause for denial of  
6 Respondent’s application for a real estate license pursuant to Business and Professions Code  
7 (“Code”) Sections 480(d) (denial of license by board – false statement of fact on  
8 application) and 10177(a) (further grounds for disciplinary action-attempted procurement of  
9 license by fraud, misrepresentation, deceit, or material misstatement).

10 SECOND CAUSE OF ACTION

11 Criminal Convictions

12 4

13 On or about December 29, 2003, in the Municipal Court for the State of  
14 California, County of Fresno, Case No. M98900555-4, Respondent was convicted of  
15 violating Section 488 of the California Penal Code (petty theft), a misdemeanor and a crime  
16 which bears a substantial relationship under Section 2910 of Title 10 of the California Code  
17 of Regulations (“Regulations”) to the qualifications, functions, or duties of a real estate  
18 licensee.

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20 On or about December 29, 2008, in the Superior Court of California, County  
21 of Fresno, Case No. 1796241, Respondent was convicted of violating Section 12500(a) of the  
22 California Vehicle Code (driving without a valid drivers license), a misdemeanor and a crime  
23 which bears a substantial relationship under Section 2910 of Title 10 of the Regulations to  
24 the qualifications, functions, or duties of a real estate licensee.

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26 On or about May 4, 2009, in the Superior Court of California, County of  
27 Madera, Case No. CCR021895, Respondent was convicted of violating Section 23152(b) of

1 the California Vehicle Code (driving under the influence), a misdemeanor and a crime which  
2 bears a substantial relationship under Section 2910 of Title 10 of the Regulations to the  
3 qualifications, functions, or duties of a real estate licensee.

4 7

5 On or about December 3, 2010, in the Superior Court of Georgia, County of  
6 DeKalb, Case No. 03CR2705, Respondent was convicted of violating two counts of Section  
7 16-9-121 of the Georgia Annotated Code (financial identity fraud), both felonies and crimes  
8 which bear a substantial relationship under Section 2910 of Title 10 of the Regulations to the  
9 qualifications, functions, or duties of a real estate licensee.

10 8

11 The crimes for which Respondent was convicted, as alleged at Paragraphs 4  
12 through 7, above, constitute cause for the denial of Respondent's application for a real estate  
13 license pursuant to Sections 480(a) and 10177(b) of the California Business and Professions  
14 Code.

15 WHEREFORE, Complainant prays that the above-entitled matter be set for  
16 hearing and, upon proof of the charges contained herein, that the Real Estate Commissioner  
17 refuse to authorize the issuance of, and deny the issuance of a real estate salesperson license  
18 to Respondent, and for such other and further relief as may be proper under other provisions  
19 of law.

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23 BREND A SMITH  
24 Supervising Special Investigator

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26 Dated at Fresno, California  
27 this 15 day of March, 2016.

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DISCOVERY DEMAND

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