

1 STEPHANIE K. SESE, Counsel  
2 California State Bar No. 225003  
3 Bureau of Real Estate  
4 P.O. Box 137007  
5 Sacramento, CA 95813-7007

6 Telephone: (916) 263-8672  
7 Fax: (916) 263-3767

**FILED**

AUG 12 2016

BUREAU OF REAL ESTATE

By B. Nicholas

8 BEFORE THE BUREAU OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Application of )

12 RAY ALFRED CONTI, )

13 Respondent. )

No. H- 3032 FR

STATEMENT OF ISSUES

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15 The Complainant, BRENDA SMITH, in her official capacity as Supervising  
16 Special Investigator of the State of California, brings this Statement of Issues against RAY  
17 ALFRED CONTI ("Respondent") and is informed and alleges as follows:

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19 Respondent made application to the Bureau of Real Estate of the State of  
20 California for a real estate salesperson license on or about November 21, 2013.

21 FIRST CAUSE OF ACTION

22 Failure to Disclose

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24 In response to Part D of said application, to wit: "HAVE YOU EVER BEEN  
25 CONVICTED OF ANY VIOLATION OF THE LAW?", Respondent concealed and failed  
26 to disclose the convictions identified at Paragraphs 4 and 5, below.

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

SECOND CAUSE OF ACTION

Criminal Convictions

On or about August 12, 1988, in the Municipal Court of California, Santa Cruz County Judicial District, Case No. 48-01692, Respondent was convicted of violating Section 23152(a) of the California Vehicle Code (driving under the influence), a misdemeanor and a crime which bears a substantial relationship under Section 2910 of Title 10 of the Regulations of the Real Estate Commissioner ("Regulations") to the qualifications, functions, or duties of a real estate licensee.

On or about March 31, 1992, in the Superior Court of California, County of Santa Cruz, Case No. CR 5264, Respondent was convicted of violating Section 11351 of the California Health and Safety Code (possession for sale of narcotics), and Section 11352 of the California Health and Safety Code (transportation of narcotics), both felonies and crimes which bear a substantial relationship under Section 2910 of Title 10 of the Regulations to the qualifications, functions, or duties of a real estate licensee.

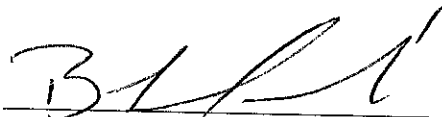
On or about August 16, 1996, in the Superior Court of California, County of Santa Cruz, Case No. S6-09084, Respondent was convicted of violating Section 11351 of the California Health and Safety Code (possession for sale of narcotics with one prior

1 conviction), a felony and a crime which bears a substantial relationship under Section 2910  
2 of Title 10 of the Regulations to the qualifications, functions, or duties of a real estate  
3 licensee.

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5 The crimes for which Respondent was convicted, as alleged at Paragraphs 4  
6 through 6, above, constitute cause for the denial of Respondent's application for a real estate  
7 license pursuant to Sections 480(a) and 10177(b) of the California Business and Professions  
8 Code.

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

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16   
17 BREND A SMITH  
18 Supervising Special Investigator

19 Dated at Fresno, California  
20 this 8 day of August, 2016.

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22  
23 DISCOVERY DEMAND

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