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FILED

MAY 30 2018

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 ALVA AMBER CHESNUT,)

13 Respondent.)
14)

NO. H-3181 FR

STATEMENT OF ISSUES

15 The Complainant, BRENDA SMITH, acting in her official capacity as a
16 Supervising Special Investigator of the State of California, for this Statement of Issues against
17 ALVA AMBER CHESNUT ("Respondent"), is informed and alleges as follows:

18 1

19 On or about February 24, 2017, Respondent made application to the Bureau of
20 Real Estate of the State of California for a real estate salesperson license.

21 FAILURE TO DISCLOSE CONVICTIONS

22 2

23 In response to Question 28 of said application to wit: "HAVE YOU EVER BEEN
24 CONVICTED (SEE PARAGRAPH ABOVE) OF ANY VIOLATION OF THE LAW AT THE
25 MISDEMEANOR OR FELONY LEVEL? IF YES, COMPLETE ITEM 34 WITH
26 INFORMATION ON EACH CONVICTION," Respondent concealed and failed to disclose
27 the convictions described below in Paragraphs 3 and 5.

1 CRIMINAL CONVICTIONS

2 3

3 On or about February 8, 2000, in the Superior Court of the State of California,
4 County of Yolo, Case No. 99-4541, Respondent was convicted of violating Sections 12500
5 (driving without a valid license) and 14601.1 (driving while license suspended) of the California
6 Vehicle Code, misdemeanors and crimes that bear a substantial relationship to the qualifications,
7 functions or duties of a real estate licensee pursuant to Section 2910, Title 10, of the California
8 Code of Regulations ("Regulations").

9 4

10 On or about September 25, 1998, in the Superior Court of the State of California,
11 County of Sacramento, Case No. 98F03214, Respondent was convicted of violating Section
12 496(a) (willfully withholding property) of the California Penal Code, a misdemeanor and a crime
13 that bears a substantial relationship to the qualifications, functions or duties of a real estate
14 licensee pursuant to Section 2910 of the Regulations.

15 5

16 On or about December 1, 1994, in the Superior Court of the State of California,
17 County of Yolo, Case No. 67364, Respondent was convicted of violating Section 11379 (sales of
18 controlled substance-methamphetamine) of the California Health and Safety Code, a
19 misdemeanor and a crime that bears a substantial relationship to the qualifications, functions or
20 duties of a real estate licensee pursuant to Section 2910 of the Regulations.

21 GROUND FOR DENIAL

22 6

23 Respondent's failure to disclose the convictions described above in Paragraphs 3
24 and 5 constitutes cause for denial of Respondent's application for a real estate salesperson license
25 pursuant to the provisions of Sections 480(d) (false statement of fact required to be revealed in
26 application) and 10177(a) (attempted procurement of real estate license by fraud,
27 misrepresentation, or deceit) of the Business and Professions Code ("Code").

Respondent's criminal convictions described above in Paragraphs 3, 4, and 5 constitute 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, fraud, or deceit), 10177(b) (conviction of crime), and 10177(j) (engaged in conduct that constitutes fraud or dishonest dealing) of the Code.

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 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 law.


BREND A SMITH
Supervising Special Investigator

Dated at Fresno, California,
this 29 day of May, 2018.

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.