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**FILED**

**NOV 20 2019**

DEPARTMENT OF REAL ESTATE  
By B. Nicholas

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Application of )

12 GREGORY ELIJAH PRIAULX, )

13 Respondent. )

NO. H-3282 FR

STATEMENT OF ISSUES

14  
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 GREGORY ELIJAH PRIAULX ("Respondent"), is informed and alleges as follows:

18 1

19 On or about November 5, 2018, Respondent made application to the Department  
20 of Real Estate of the State of California for a real estate salesperson license.

21 2

22 In response to Question 28 of said application to wit: "HAVE YOU EVER BEEN  
23 CONVICTED (SEE PARAGRAPH ABOVE) OF ANY VIOLATION OF THE LAW AT THE  
24 MISDEMEANOR OR FELONY LEVEL? IF YES, COMPLETE ITEM 34 WITH  
25 INFORMATION ON EACH CONVICTION," Respondent concealed and failed to disclose  
26 the conviction described below in Paragraph 4.

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On or about April 11, 2019, in the Superior Court of the State of California, County of Fresno, Case No. F17905226, Respondent was convicted of violating Section 23153(b) (driving with a .08% blood alcohol causing injury) of the California Vehicle Code, a felony 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 the California Code of Regulations ("Regulations").

On or about May 25, 2006, in the Superior Court of the State of California, County of Kern, Case No. LM079449A, Respondent was convicted of violating Section 23222(b) (possession of marijuana) of the California Vehicle 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 of the Regulations.

GROUND FOR DENIAL

Respondent's failure to disclose the conviction described above in Paragraph 4 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 application) and 10177(a) (attempted procurement of real estate license by fraud, misrepresentation, or deceit) of the California Business and Professions Code ("Code").

Respondent's criminal convictions described above in Paragraphs 3 and 4 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) and 10177(b) (conviction of crime) of the Code.

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1 WHEREFORE, the Complainant prays that the above-entitled matter be  
2 set for hearing and, upon proof of the charges contained herein, that the Commissioner refuse to  
3 authorize the issuance of, and deny the issuance of, a real estate salesperson/broker license to  
4 Respondent, and for such other and further relief as may be proper under applicable provisions of  
5 law.

6   
7 BRENDA SMITH  
8 Supervising Special Investigator

9 Dated at Fresno, California,  
10 this 15 day of November 2019.

11  
12 DISCOVERY DEMAND

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