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FILED

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DEPARTMENT OF REAL ESTATE

By K. Contreras

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)
12)
13 TIFFANY MICHELLE HOWELL,)
14 Respondent.)

No. H-4278 SD

STATEMENT OF ISSUES

15 The Complainant, Dolores Weeks, a Deputy Real Estate Commissioner of the
16 State of California, for Statement of Issues against TIFFANY MICHELLE HOWELL
17 (Respondent) alleges as follows:

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19 Complainant makes this Statement of Issues in her official capacity.

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21 On or about June 8, 2011, Respondent made application to the Department of
22 Real Estate (Department) for the issuance of a real estate salesperson license.

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24 In response to Part D, Question 1 of said application, which asks "Have you ever
25 been convicted of a misdemeanor or felony?", Respondent answered "No", but then, in general
26 terms, disclosed the conviction set out in paragraph 4, below, but concealed and failed to disclose
27 the convictions set out in paragraph 5, below.

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Respondent stated in her application that in approximately February 1990, in El Cajon, California, she was convicted of a violation of section 23152(a) and (b) of the Vehicle Code (DUI). That particular crime, in connection with the convictions set out in paragraph 5 below, is substantially related under the provisions of section 2911 of Chapter 6, Title 10, California Code of Regulations (the Regulations) to the qualifications, functions and/or duties of a real estate licensee.

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In later documents submitted by Respondent to the Department in approximately October 2011, Respondent admitted that she was convicted of violations of Penal Code section 602(j) (theft related trespass) in March 1990, and of Penal Code section 484 (petty theft) in October 1991, both in San Diego County. Both crimes are substantially related under the provisions of section 2911 the Regulations to the qualifications, functions and/or duties of a real estate licensee.

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The criminal convictions described in paragraphs 4 and 5, above, individually and collectively constitute cause to deny Respondent's application pursuant to the provisions of sections 480(a) and 10177(b) of the Real Estate Law, Part 1 of Division 4 of the Business and Professions Code (Code).

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Respondent's failure to disclose the convictions set out in paragraph 5 constitute the attempt to procure a real estate license by misrepresentation, and/or knowingly making a false statement of fact required to be revealed in the application for the license, and constitutes cause to deny Respondent's application pursuant to sections 480(c) and 10177(a) of the Code.

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WHEREFORE, 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 any real estate salesperson license to Respondent, and for such other and further relief as may be proper under other provisions of law.


DOLORES WEEKS
Deputy Real Estate Commissioner

Dated at Los Angeles, California,
this 30th day of January, 2012.