

FILED

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BUREAU OF REAL ESTATE

By 

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9 BEFORE THE BUREAU OF REAL ESTATE

10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Application of) No. H- 04737 SD
13)
14 CYNTHIA ELAINE ENGELHARDT,) STATEMENT OF ISSUES
15)
16 Respondent.)
17)

18 The Complainant, Veronica Kilpatrick, a Supervising Special Investigator of the
19 State of California, for Statement of Issues against CYNTHIA ELAINE ENGELHARDT,
20 a.k.a. CYNTHIA ELAINE SMITH ENGELHARDT ("Respondent"), is informed and alleges as
21 follows:

22 1.

23 The Complainant, Veronica Kilpatrick, a Supervising Special Investigator of the
24 State of California, alleges this Statement of Issues in her official capacity.

25 2.

26 On or about December 4, 2014, Respondent made application to the Bureau of
27 Real Estate of the State of California for a real estate salesperson license.

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Statement of Issues of Cynthia Elaine Engelhardt

1 FIRST CAUSE FOR DENIAL

2 (CRIMINAL CONVICTION)

3 3.

4 On or about May 8, 2002, Respondent pled guilty and was convicted in the
5 Superior Court of California, County of San Diego, Case No. M-857605, for violation of
6 California Health and Safety Code Section 11173(a)(1) (Attempt to Procure Prescription for
7 Controlled Substances by Fraud, Deceit, Misrepresentation, or Subterfuge), a misdemeanor.
8 Respondent was placed on three years of summary probation, and ordered to pay fines and fees.

9 4.

10 The conviction described in Paragraph 3 bears a substantial relationship under
11 Section 2910, Title 10, Chapter 6, California Code of Regulations to the qualifications,
12 functions or duties of a real estate licensee.

13 5.

14 The crime of which Respondent was convicted, as described in Paragraph 3
15 above, constitutes cause for denial of Respondent's application for a real estate license under
16 Business and Professions Code Sections 475(a)(2)-(3), 480(a)(1)-(2), and 10177(b).

17 SECOND CAUSE FOR DENIAL

18 (PRIOR LICENSE DISCIPLINE)

19 6.

20 On or about June 3, 2009, the Arizona State Board of Nursing, in Case
21 No. 0805096, issued Findings of Fact, Conclusions of Law, and Order ("Arizona Order")
22 revoking Respondent's Arizona Registered Nurse License. The Arizona Order was based on
23 Respondent's conviction, as described in Paragraph 3 above, and Respondent's failure to
24 disclose that conviction on her renewal application for her Arizona Registered Nurse License.

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1 7.

2 On or about April 1, 2010, Respondent signed a Stipulated Surrender of License
3 and Order (“California Order”) with the State of California, Board of Registered Nursing, in
4 Case No. 2010-281. The California Order, which became effective on July 9, 2010,
5 surrendered Respondent’s California Registered Nurse License. Within the California Order,
6 Respondent stipulated to the truth of each and every charge and allegation in
7 Accusation/Petition to Revoke Probation No. 2010-281 (“California Accusation”). Among the
8 allegations contained in the California Accusation was that Respondent was convicted, as
9 described in Paragraph 3 above, and failed to disclose her conviction on her renewal application
10 for her Arizona Registered Nurse License.

11 8.

12 The prior license discipline against Respondent, as described in Paragraphs 6
13 and 7 above, constitutes cause for denial of Respondent’s application for a real estate license
14 under Business and Professions Code Section 10177(f).

15 THIRD CAUSE FOR DENIAL

16 (FAILURE TO REVEAL PRIOR LICENSE DISCIPLINE ON LICENSE APPLICATION)

17 9.

18 In response to Question 29, under the Background Information section of her
19 license application, to wit, “HAVE YOU EVER HAD A DENIED, SUSPENDED,
20 RESTRICTED OR REVOKED BUSINESS OR PROFESSIONAL LICENSE (INCLUDING
21 REAL ESTATE), IN CALIFORNIA OR ANY OTHER STATE,” Respondent answered
22 “YES,” but failed to disclose the prior license discipline described in Paragraph 6, above.

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Statement of Issues of Cynthia Elaine Engelhardt

10.

Respondent's failure to reveal the prior license discipline, as set forth in Paragraph 6 above, in her license application constitutes an attempt to procure a real estate license by fraud, misrepresentation, or deceit, or by making a false statement of material fact required to be revealed in said application, which is grounds for denial of the issuance of a license under California Business and Professions Code Sections 475(a)(1), 480(d), and 10177(a).

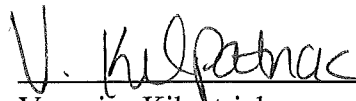
11.

These proceedings are brought under the provisions of Section 10100, Division 4 of the Business and Professions Code of the State of California and Sections 11500 through 11528 of the California Government 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 license to Respondent CYNTHIA ELAINE ENGELHARDT and for such other and further relief as may be proper under other applicable provisions of law.

Dated at San Diego, California

this 15 day of July, 2015



Veronica Kilpatrick
Supervising Special Investigator

cc: CYNTHIA ELAINE ENGELHARDT
Veronica Kilpatrick
Sacto.

Statement of Issues of Cynthia Elaine Engelhardt