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FILED

APR 23 2020

DEPT. OF REAL ESTATE

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*Attorney for Complainant*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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|                                     |   |                            |
|-------------------------------------|---|----------------------------|
| In the Matter of the Application of | ) | No. H-05081 SD             |
|                                     | ) |                            |
| BRYCE DAVID TUTTLE,                 | ) | <u>FIRST AMENDED</u>       |
|                                     | ) | <u>STATEMENT OF ISSUES</u> |
|                                     | ) |                            |
| Respondent.                         | ) |                            |
|                                     | ) |                            |

This First Amended Statement of Issues amends the Statement of Issues filed on July 31, 2019. The Complainant, Veronica Kilpatrick, a Supervising Special Investigator of the State of California, for Statement of Issues against BRYCE DAVID TUTTLE ("Respondent"), is informed and alleges in her official capacity as follows:

1.

On or about May 9, 2018, Respondent made application to the Department of Real Estate of the State of California for a real estate salesperson license.

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FIRST AMENDED STATEMENT OF ISSUES

(CRIMINAL CONVICTIONS)

2.

On or about July 22, 2013, in the Superior Court of California, County of Orange, Case Number 12HM10525, Respondent was convicted on his plea of guilty for violation of Vehicle Code sections 23152(a) (driving under the influence of alcohol and/or drugs with one prior) and section 14601.1(a) (driving on suspended or revoked license), and Health and Safety Code section 11550(a) (use and under the influence of a controlled substance, to wit, amphetamine), misdemeanors. The court suspended the imposition of sentence and placed Respondent on informal probation for five (5) years on certain terms and conditions including, in part, payment of fines and fees, serving ninety (90) days in county jail, completing an 18-month multiple offender alcohol program, and attending and completing Mothers Against Drunk Driving Victim's Impact Panel.

3.

On or about January 28, 2016, in the Superior Court of California, County of Orange, Case Number 15HM01239, Respondent was convicted on his plea of guilty for violation of Vehicle Code section 23152(e) (driving under the influence of drugs with two priors), a misdemeanor. The court suspended the imposition of sentence and placed Respondent on informal probation for five (5) years on certain terms and conditions including, in part, payment of fines and fees, serving one hundred and twenty (120) days in county jail (to run consecutive to Case Number 12HM10525), completing an 18-month multiple offender alcohol program (concurrent with Case Number 12HM10525), and attending and completing Mothers Against Drunk Driving Victim's Impact Panel.

4.

The crimes of which Respondent was convicted as described in Paragraphs 2 and 3 above, by their facts and circumstances, bear a substantial relationship under Section 2910, Title 10, Chapter 6, of the California Code of Regulations to the qualifications, functions or duties of a real estate licensee.

1 5.

2 The crimes of which Respondent was convicted, as described in Paragraphs 2  
3 and 3 above, constitute cause for denial of Respondent's application for a real estate license  
4 under California Business and Professions Code sections 480(a)(1) and 10177(b).

5 (IN AGGRAVATION)

6 6.

7 On or about March 7, 2006, in the District Court of the State of Utah, County of  
8 Utah, Case Number 041404690, Respondent was convicted on his plea of guilty for violation of  
9 Title 58, Chapter 37, Section 8 of the Utah Code (illegal possession or use of controlled  
10 substance), a misdemeanor. Respondent was ordered to pay a fine of \$325.00 and to complete  
11 an alcohol and substance abuse evaluation.

12 7.

13 On or about October 22, 2008, in the Lehi City Justice Court of the State of  
14 Utah, County of Utah, Case Number 085004366, Respondent was convicted on his plea of  
15 guilty for violation of Title 58, Chapter 37A, Section 5 of the Utah Code (possession of drug  
16 paraphernalia), Title 41, Chapter 12A, Part 3, Section 302 of the Utah Code (operating a vehicle  
17 without insurance), and Title 41, Chapter 6A, Section 528 (reckless driving), misdemeanors.  
18 Respondent was placed on probation for twelve (12) months and ordered to complete an  
19 evaluation and to receive treatment.

20 8.

21 On or about July 28, 2009, in the District Court of the State of Utah, County of  
22 Utah, Case Number 091400607, Respondent was convicted on his plea of guilty for violation of  
23 Title 58, Chapter 37, Section 8(2)(a)(i) of the Utah Code (attempted possession or use of a  
24 controlled substance), a misdemeanor. Respondent was sentenced to pay fines and serve three  
25 hundred sixty-five (365) days in county jail, three hundred forty-six (346) days of which were  
26 suspended. Respondet was allowed to perform sixty (60) days of community service in lieu of  
27 serving the eight (8) days in jail.

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 BRYCE DAVID TUTTLE and for such other and further relief as may be proper under other applicable provisions of law.

Dated at San Diego, California this 20 day of April, 2020.

  
Veronica Kilpatrick  
Supervising Special Investigator

cc: BRYCE DAVID TUTTLE  
Veronica Kilpatrick  
Sacto.

JUDITH B. VASAN, Counsel (SBN 278115)  
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(CRIMINAL CONVICTIONS)

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STATEMENT OF ISSUES

1 substance), a misdemeanor. Respondent was ordered to pay a fine of \$325.00 and to complete  
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14 The crimes of which Respondent was convicted as described in Paragraphs 2  
15 through 6 above, by their facts and circumstances, bear a substantial relationship under Section  
16 2910, Title 10, Chapter 6, of the California Code of Regulations to the qualifications, functions  
17 or duties of a real estate licensee.

18 8.

19 The crimes of which Respondent was convicted, as described in Paragraphs 2  
20 through 6 above, constitute cause for denial of Respondent's application for a real estate license  
21 under California Business and Professions Code sections 480(a)(1) and 10177(b).

22 (FAILURE TO DISCLOSE ALL CONVICTIONS)

23 9.

24 In response to Question 23 under "Background Information" in Respondent's  
25 license application submitted on or about May 9, 2018, to wit, "HAVE YOU EVER BEEN  
26 CONVICTED (SEE PARAGRAPH ABOVE) OF ANY VIOLATION OF THE LAW AT  
27 THE MISDEMEANOR OR FELONY LEVEL? IF YES, COMPLETE ITEM 29 WITH

1 **INFORMATION ON EACH CONVICTION,”** Respondent answered “YES,” but failed to  
2 disclose the convictions described in Paragraphs 2 through 4 above.

3 10.

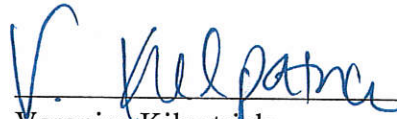
4 Respondent’s failure to disclose the convictions as set forth in Paragraphs 2  
5 through 4 above, in his license application constitutes an attempt to procure a real estate license  
6 by fraud, misrepresentation, or deceit, or by making a false statement of material fact required  
7 to be disclosed in said application, which is grounds for denial of the issuance of a license  
8 under California Business and Professions Code section 10177(a).

9 11.

10 These proceedings are brought under the provisions of Section 10100, Division  
11 4 of the Business and Professions Code of the State of California and Sections 11500 through  
12 11528 of the California Government Code.

13 WHEREFORE, the Complainant prays that the above-entitled matter be set for  
14 hearing and, upon proof of the charges contained herein, that the Commissioner refuse to  
15 authorize the issuance of, and deny the issuance of, a real estate salesperson license to  
16 Respondent BRYCE DAVID TUTTLE and for such other and further relief as may be proper  
17 under other applicable provisions of law.

18  
19 Dated at San Diego, California this 29 day of July, 2019.

20  
21  
22   
23 Veronica Kilpatrick  
24 Supervising Special Investigator

25  
26 cc: BRYCE DAVID TUTTLE  
27 Veronica Kilpatrick  
Sacto.