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FILED

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DEPARTMENT OF REAL ESTATE

By *L. Smith*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Application of

DAVID J. HOWIE,

Respondent.

No. H-5766 SAC

STATEMENT OF ISSUES

The Complainant, TRICIA SOMMERS, acting in her official capacity as a Deputy Real Estate Commissioner of the State of California, for Statement of Issues against DAVID J. HOWIE (herein "Respondent"), alleges as follows:

1.

On or about January 21, 2011, Respondent made application to the Department of Real Estate of the State of California (herein "the Department") for a real estate salesperson license.

2.

On or about October 15, 2009, in the Superior Court of the State of California, County of Sacramento, Case Number 2009172684, Respondent was convicted of violating section 14601.2(a) of the Vehicle Code (driving on a suspended or revoked license), a misdemeanor which bears a substantial relationship under section 2910, title 10, California

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1 Code of Regulations (herein "the Regulations") to the qualifications, functions or duties of a real
2 estate licensee.

3 3.

4 On or about July 6, 2007, in the Superior Court of the State of California, County
5 of Sacramento, Case Number 07T03062, Respondent was convicted of violating section
6 23152(b) of the Vehicle Code (driving with a blood alcohol level at or above .08%), a
7 misdemeanor which bears a substantial relationship under section 2910, title 10 of the
8 Regulations to the qualifications, functions or duties of a real estate licensee.

9 4.

10 On or about February 26, 2003, in the Superior Court of the State of California,
11 County of Sacramento, Case Number 02T05022, Respondent was convicted of violating
12 Vehicle Code sections 23152(a) (driving while under the influence of alcohol or drugs) and
13 14601.2(a) (driving on a suspended or revoked license), misdemeanors which bear a substantial
14 relationship under section 2910, title 10 of the Regulations to the qualifications, functions or
15 duties of a real estate licensee.

16 5.

17 On or about January 13, 2000, in the Superior Court of the State of California,
18 County of Sacramento, Case Number 00T00113, Respondent was convicted of violating section
19 23152(b) of the Vehicle Code (driving with a blood alcohol level at or above .08 %), a
20 misdemeanor which bears a substantial relationship under section 2910, title 10 of the
21 Regulations to the qualifications, functions or duties of a real estate licensee.

22 6.

23 On or about August 19, 1996, in the Superior Court of the State of California,
24 County of Placer, Case Number R-42269, Respondent was convicted of violating section
25 23152(a) of the Vehicle Code (driving while under the influence of alcohol or drugs), a
26 misdemeanor which bears a substantial relationship under section 2910, title 10 of the
27 Regulations to the qualifications, functions or duties of a real estate licensee.

7.

On or about February 20, 1996, in the Superior Court of the State of California, County of Placer, Case Number A-35662, Respondent was convicted of violating section 148.9(a) of the Penal Code (providing false information to a police officer), a misdemeanor which bears a substantial relationship under section 2910, title 10 of the Regulations to the qualifications, functions or duties of a real estate licensee.

8.

Respondent's criminal convictions, as described above in Paragraphs 2 through 7, constitute grounds under sections 480(a) and 10177(b) of the Code for the denial of Respondent's application for a real estate license.

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 a real estate broker license to Respondent, and for such other and further relief as may be proper in the premises.


TRICIA D. SOMMERS
Deputy Real Estate Commissioner

Dated at Sacramento, California,

this 11 day of January, 2012.