

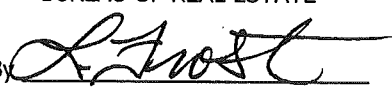
FILED

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September 13, 2013

BUREAU OF REAL ESTATE

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BY 

7
8 BEFORE THE BUREAU OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)
12 SHANE LEROY HEINZ,) H-6016 SAC
13 Respondent.) STATEMENT OF ISSUES
14)

15 The Complainant, TRICIA D. SOMMERS, in her official capacity as a Deputy
16 Real Estate Commissioner of the State of California, for Statement of Issues against SHANE
17 LEROY HEINZ (herein "Respondent"), alleges as follows:

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19 On or about March 22, 2012, Respondent made application to the Bureau of Real
20 Estate of the State of California (hereinafter "the Bureau") for a real estate salesperson license.

21 PREVIOUS ADMINISTRATIVE PROCEEDING

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23 Effective May 3, 2011, in Case No. H-5464 SAC, before the Bureau, the Real
24 Estate Commissioner denied Respondent's application for a real estate salesperson license.

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1 pursuant to Sections 480(a), 10177(a) and 10177(b) of the California¹ Business and Professions
2 Code (hereinafter "the Code").

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4 In response to Question 25 of Respondent's application identified in paragraph 1,
5 above, to wit: "HAVE YOU EVER HAD A DENIED, SUSPENDED, RESTRICTED OR
6 REVOKED BUSINESS OR PROFESSIONAL LICENSE (INCLUDING REAL ESTATE), IN
7 CALIFORNIA OR ANY OTHER STATE?", Respondent concealed and failed to disclose that he
8 had a real estate salesperson license application denied as set forth in paragraph 2, above.

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10 Respondent's failure to reveal in his application for a real estate salesperson
11 license identified in paragraph 1, above, that he had previously had a real estate license
12 application denied as set forth in paragraphs 2 and 3, above, constitutes the procurement of or
13 attempt to procure a real estate license by fraud, misrepresentation, or deceit, or by making a
14 material misstatement of fact in said application, which failure is cause for denial of
15 Respondent's application for a real estate salesperson license pursuant to the provisions of
16 Sections 480(c) (denial of license by board – false statement of fact on application) and 10177(a)
17 (further grounds for disciplinary action-attempted procurement of license by fraud,
18 misrepresentation, deceit, or material misstatement) of the Code.

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20 On or about May 20, 1998, in the Superior Court of the State of California,
21 County of Yuba, Case Number V43759, Respondent was convicted of violating Section 23152(a)
22 of the Vehicle Code (DUI), a misdemeanor which bears a substantial relationship under Section
23 2910, Title 10 of the Code of Regulations (hereinafter the "Regulations") to the qualifications,
24 functions or duties of a real estate licensee.

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27 ¹ All references are to California codes and regulations, unless otherwise stated.

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On or about August 20, 1999, in the Superior Court of the State of California, County of Sutter, Case Number CRF99-1595, Respondent was convicted of violating Penal Code Section 273.5(a) (inflicting corporal injury upon a spouse), 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.

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On or about December 8, 1999, in the Superior Court of the State of California, County of Sutter, Case Number CRF99-2719, Respondent was convicted of violating Penal Code Section 415(1) (fighting in a public place), 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.

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On or about March 13, 2000, in the Superior Court of the State of California, County of Sutter, Case Number CRF99-0125, Respondent was convicted of violating Penal Code Section 243(d) (battery), a felony which bears a substantial relationship under Section 2910, Title 10 of the Regulations to the qualifications, functions or duties of a real estate licensee.

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The facts alleged in paragraphs 5 through 8, above, constitute cause for denial of Respondent's application for a real estate license under Sections 480(a) (denial of license by board-conviction of crime) and 10177(b) (conviction of crime substantially related to qualifications, functions or duties of real estate licensee) 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 a real estate salesperson license to Respondent, and for such other and further relief as may be proper under the provisions of law.


TRICIA D. SOMMERS
Deputy Real Estate Commissioner

Dated at Sacramento, California
this 18th day of June, 2013.