

FILED

OCT 03 2014

BUREAU OF REAL ESTATE

By S. Black

1 JOHN W. BARRON, Counsel (SBN 171246)  
2 Bureau of Real Estate  
3 P. O. Box 137007  
4 Sacramento, CA 95813-7007

5 Telephone: (916) 263-8670  
-or- (916) 263-8680 (Direct)  
-or- (916) 263-3767 (Fax)

8 BEFORE THE BUREAU OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Application of )  
12 ERICK GLENN SMITH, ) NO. H-6173 SAC  
13 Respondent. ) STATEMENT OF ISSUES  
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15 The Complainant, TRICIA D. PARKHURST, in her official capacity as a Deputy  
16 Real Estate Commissioner of the State of California ("Complainant"), for Statement of Issues  
17 against ERICK GLENN SMITH ("Respondent"), alleges as follows:

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19 On or about January 29, 2014, Respondent made application to the Bureau of  
20 Real Estate of the State of California ("the Bureau") for a real estate salesperson license.

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22 On or about November 5, 2001, in the Superior Court of the State of California,  
23 County of San Joaquin, Case No. ST030168A, Respondent was convicted of violating  
24 Section 23103 of the California Vehicle Code (Reckless Driving, Commonly Known as Wet  
25 Reckless), and sentenced pursuant to Section 23103.5, a misdemeanor, and a crime which bears a  
26 substantial relationship under Section 2910, Title 10, of the California Code of Regulations  
27 (hereinafter "the Regulations"), to the qualifications, functions or duties of a real estate licensee.

2                   On or about August 6, 2002, in the Superior Court of the State of California,  
3                   County of San Joaquin, Case No. SM225593A, Respondent was convicted of violating  
4                   Section 647(f) of the California Penal Code (Disorderly Conduct - Public Intoxication), a  
5                   misdemeanor, and a crime which bears a substantial relationship under Section 2910 of the  
6                   Regulations, to the qualifications, functions or duties of a real estate licensee.

8                   On or about August 28, 2003, in the Superior Court of the State of California,  
9                   County of San Joaquin, Case No. ST034826A, Respondent was convicted of violating  
10                  Section 23152(b) of the California Vehicle Code (DUI with BAC of 0.08% or Higher), while  
11                  admitting one prior DUI conviction, a misdemeanor, and a crime which bears a substantial  
12                  relationship under Section 2910 of the Regulations, to the qualifications, functions or duties of a  
13                  real estate licensee.

15                  On or about August 11, 2004, in the Superior Court of the State of California,  
16                  County of San Joaquin, Case No. SM237248A, Respondent was convicted of violating  
17                  Section 647(f) of the California Penal Code (Disorderly Conduct - Public Intoxication), a  
18                  misdemeanor, and a crime which bears a substantial relationship under Section 2910 of the  
19                  Regulations, to the qualifications, functions or duties of a real estate licensee.

21                  On or about June 13, 2008, in the Superior Court of the State of California,  
22                  County of Fresno, Case No. M07500220, Respondent was convicted of violating Section  
23                  23152(b) of the California Vehicle Code (DUI with BAC of 0.08% or Higher), while admitting  
24                  two prior DUI convictions, a misdemeanor, and a crime which bears a substantial relationship  
25                  under Section 2910 of the Regulations, to the qualifications, functions or duties of a real estate  
26                  licensee.

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On or about July 1, 2009, in the Superior Court of the State of California, County of Los Angeles, Case No. 9LG01780, Respondent was convicted of violating Section 148(a)(1) of the California Penal Code (Resist/Obstruct Police Officer), a misdemeanor, and a crime which bears a substantial relationship under Section 2910 of the Regulations, to the qualifications, functions or duties of a real estate licensee.

The facts alleged in Paragraphs 2 through 7, 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 California Business and Professions Code.

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 the law.

  
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TRICIA D. PARKHURST  
Deputy Real Estate Commissioner

Dated at Sacramento, California,  
this 7 day of October, 2014.