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MAY 06 2016

BUREAU OF REAL ESTATE

By J. dew

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BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Application of:)	
)	No. H-6394 SAC
DAVID J. HOWIE,)	
)	<u>STATEMENT OF ISSUES</u>
Respondent.)	
)	

The Complainant, TRICIA D. PARKHURST, acting in her official capacity as a Supervising Special Investigator of the State of California, brings this Statement of Issues against DAVID J. HOWIE ("Respondent"), and is informed and alleges as follows:

1.

On or about April 14, 2015, Respondent made application to the Bureau of Real Estate of the State of California (herein "the Bureau") for a real estate salesperson license.

CRIMINAL CONVICTIONS

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
2 real estate licensee.

3
4 3.

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

10 4.

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

1 7.

2 On or about February 20, 1996, in the Superior Court of the State of California,
3 County of Placer, Case Number A-35662, Respondent was convicted of violating section
4 148.9(a) of the Penal Code (providing false information to a police officer), a misdemeanor
5 which bears a substantial relationship under section 2910, title 10 of the Regulations to the
6 qualifications, functions or duties of a real estate licensee.

7 GROUND FOR DENIAL

8 8.

9 Respondent's criminal convictions, as described above in Paragraphs 2 through
10 7, constitute grounds under sections 480(a) and 10177(b) of the Code for the denial of
11 Respondent's application for a real estate license.

12 PRIOR LICENSE DENIAL

13 9.

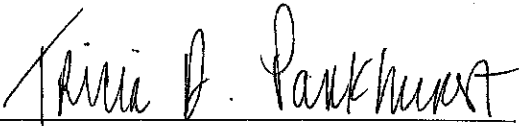
14 On or about January 9, 2003, Respondent made application to the California
15 Department of Real Estate¹ for a real estate salesperson license. On April 27, 2004, after being
16 afforded a hearing and other due process protections in Case No. H-3954 SAC, the
17 Administrative Law Judge ("the ALJ") issued a proposed decision denying Respondent's
18 application. On or about May 19, 2004, the Real Estate Commissioner ("the Commissioner")
19 adopted the ALJ's proposed decision of April 27, 2004.

20 10.

21 On or about January 21, 2011, Respondent made application to the California
22 Department of Real Estate for a real estate salesperson license. On June 26, 2012, after being
23 afforded a hearing and other due process protections in Case No. H-5766 SAC, the ALJ issued a
24 proposed decision denying Respondent's application. On or about August 1, 2012, the
25 Commissioner adopted the ALJ's proposed decision of June 26, 2012.

26
27 ¹ Effective July 1, 2013, the Department of Real Estate became the Bureau of Real Estate pursuant to the Governor's Reorganization Plan of 2012.

1 WHEREFORE, Complainant prays that the above-entitled matter be set for
2 hearing and, upon proof of the charges contained herein, that the Commissioner refuse to
3 authorize the issuance of, and deny the issuance of a real estate broker license to Respondent,
4 and for such other and further relief as may be proper in the premises.

5
6 

7 TRICIA D. PARKHURST
8 Supervising Special Investigator

9 Dated at Sacramento, California,
10 this 27th day of May, 2016.

11 DISCOVERY DEMAND

12 Pursuant to Sections 11507.6, *et seq.* of the *Administrative Procedure Act*, the
13 Bureau hereby makes demand for discovery pursuant to the guidelines set forth in the
14 *Administrative Procedure Act*. Failure to provide Discovery to the Bureau may result in the
15 exclusion of witnesses and documents at the hearing or other sanctions that the Office of
16 Administrative Hearings deems appropriate.