

**FILED**

**FEB 06 2018**

**BUREAU OF REAL ESTATE**

By S. Black

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

6 Telephone: (916) 263-8670 (main)  
7 (916) 263-8680 (direct)  
8

9 BEFORE THE BUREAU OF REAL ESTATE

10 STATE OF CALIFORNIA

11 \*\*\*

12 In the Matter of the Application of )  
13 MARK ALAN GILKEY, ) H-6645 SAC  
14 ) STATEMENT OF ISSUES  
15 Respondent. )

16 The Complainant, TRICIA PARKHURST, in her official capacity as a  
17 Supervising Special Investigator for the Bureau of Real Estate, State of California, brings this  
18 Statement of Issues against MARK ALAN GILKEY ("Respondent"), and is informed and  
19 alleges as follows:

20 1

21 Respondent made application to the Bureau of Real Estate of the State of  
22 California for a real estate salesperson license on or about August 15, 2016.

23 2

24 On or about July 16, 2009, in the Superior Court of the State of California, County  
25 of Stanislaus, Case No. 1256436, Respondent was convicted of violating Section 14601.1  
26 (driving on suspended license) of the California Vehicle Code, a misdemeanor and a crime that  
27

1 bears a substantial relationship under Section 2910, Title 10, of the California Code of  
2 Regulations ("the Regulations") to the qualifications, functions or duties of a real estate licensee.

3 3

4 On or about January 20, 2009, in the Superior Court of the State of California,  
5 County of Tuolumne, Case No. CRF27737, Respondent was convicted of violating Section  
6 11379 (transporting controlled substance) of the California Health and Safety Code, a felony; and  
7 Sections 14601.5 (driving on suspended license) and 23222(b) (possession of marijuana) of the  
8 California Vehicle Code, misdemeanors; crimes that bear a substantial relationship under Section  
9 2910 of the Regulations to the qualifications, functions or duties of a real estate licensee.

10 4

11 On or about January 15, 2009, in the Superior Court of the State of California,  
12 County of Stanislaus, Case No. 1246908, Respondent was convicted of violating Section  
13 23512(b) (driving under the influence) of the California Vehicle Code and Section 494  
14 (vandalism) of the California Penal Code, misdemeanors and crimes that bear a substantial  
15 relationship under Section 2910 of the Regulations to the qualifications, functions or duties of a  
16 real estate licensee.

17 5

18 On or about June 12, 2008, in the Superior Court of the State of California,  
19 County of Riverside, Case No. INF061748, Respondent was convicted of violating Section  
20 11377 (possession of controlled substance) of the California Health and Safety Code, a felony  
21 and a crime that bears a substantial relationship under Section 2910 of the Regulations to the  
22 qualifications, functions or duties of a real estate licensee.

23 6

24 On or about April 3, 2007, in the Superior Court of the State of California, County  
25 of Stanislaus, Case No. CRF23411, Respondent was convicted of violating Sections 11377  
26 (possession of controlled substance), a felony, and 11364 (possession of substance  
27 paraphernalia), a misdemeanor, of the California Health and Safety Code; crimes that bear a

1 substantial relationship under Section 2910 of the Regulations to the qualifications, functions or  
2 duties of a real estate licensee.

3 7

4 On or about October 28, 2005, in the Superior Court of the State of California,  
5 County of Stanislaus, Case No. 1089983, Respondent was convicted of violating Section 494  
6 (vandalism) of the California Penal Code, a misdemeanor and a crime that bears a substantial  
7 relationship under Section 2910 of the Regulations to the qualifications, functions or duties of a  
8 real estate licensee.

9 8

10 On or about December 4, 2004, in the Superior Court of the State of California,  
11 County of Stanislaus, Case No. 1050062, Respondent was convicted of violating Section 417  
12 (brandishing a weapon) of the California Penal Code, a misdemeanor and a crime that bears a  
13 substantial relationship under Section 2910 of the Regulations to the qualifications, functions or  
14 duties of a real estate licensee.

15 9

16 Respondent's criminal convictions, described in Paragraphs 2 through 8, above,  
17 constitute cause for denial of Respondent's application for a real estate salesperson license  
18 pursuant to the provisions of Section 480(a) and 10177(b) of the Code.

19 WHEREFORE, Complainant prays that the above-entitled matter be set for  
20 hearing and, upon proof of the charges contained herein, that the Commissioner refuse to  
21 authorize the issuance of, and deny the issuance of, a real estate salesperson license to  
22 Respondent, and for such other and further relief as may be proper under the provisions of the  
23 law.

24   
25 TRICIA PARKHURST  
Supervising Special Investigator

26 Dated at Sacramento, California,  
27 this 30<sup>th</sup> day of January, 2018.