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FILED  
MAR 14 2018  
BUREAU OF REAL ESTATE  
By R. Diaz

8 BEFORE THE BUREAU OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Application of )

12 ERIC LEMAR SPIVEY, )

13 Respondent. )  
14

No. H-6661 SAC

STATEMENT OF ISSUES

15 The Complainant, TRICIA D. PARKHURST, a Supervising Special Investigator  
16 of the State of California, for Statement of Issues against ERIC LEMAR SPIVEY, (Respondent)  
17 is informed and alleges as follows:

18 1

19 Complainant makes this Statement of Issues against Respondent in her official  
20 capacity.

21 2

22 Respondent made application to the Bureau of Real Estate of the State of  
23 California for a real estate salesperson license on or about October 23, 2015.

24 3

25 In response to Question 32 of said application, to wit: "Have you ever been  
26 convicted of any violation of law? Convictions expunged under Penal Code Section 1203.4 must  
27 be disclosed. However, you may omit minor traffic citations which do not constitute a

1 misdemeanor or felony offense”, Respondent concealed and failed to disclose the conviction  
2 described in Paragraph 5, below.

3 4

4 On or about September 19, 2012, in the United States District Court, in the  
5 District of Portland, Case No. 3:11-cr-00370, Respondent was convicted of violating 18 USC  
6 Sections 922(a) (6) and 2 (false statement on firearms application), a felony and a crime that  
7 bears a substantial relationship under Section 2910, Title 10, Chapter 6 of the California Code of  
8 Regulations (the Regulations), to the qualifications, functions, or duties of a real estate licensee.

9 5

10 On or about January 22, 2007, in the Superior Court of the State of California,  
11 County of San Joaquin, Case No. SM 23735A, Respondent was convicted of violating Section  
12 602(L) of the California Penal Code (trespassing), 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 6

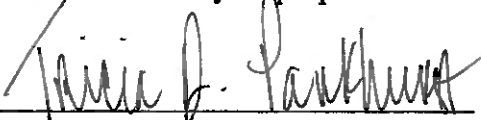
16 Respondent’s criminal convictions, described in Paragraphs 4 and 5 above  
17 constitute cause for denial of Respondent’s application for a real estate salesperson license  
18 pursuant to the provisions of Sections 480(a) (conviction of crime) and 10177(b) (further  
19 grounds for disciplinary action-conviction of crime) of the Code

20 7

21 Respondent’s failure to reveal in said application the conviction set forth in  
22 Paragraph 5, above, constitutes the procurement of or attempt to procure a real estate license by  
23 fraud, misrepresentation, or deceit, or by making a material misstatement of fact in said  
24 application, which failure is cause for denial of Respondent’s application for a real estate  
25 salesperson license pursuant to the provisions of Sections 480(d) (false statement) and 10177(a)  
26 (attempt to procure license through fraud, etc.) of the Code.

27 ///

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 salesperson license to  
4 Respondent, and for such other and further relief as may be proper under other provisions of law.

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6   
7 TRICIA D. PARKHURST  
8 Supervising Special Investigator

9 Dated at Sacramento, California

10 this 13<sup>th</sup> day of March, 2018.