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7	
8	BEFORE THE BUREAU OF REAL ESTATE
9	STATE OF CALIFORNIA
10	***
11	In the Matter of the Application of )
12	) NO. H-6689 SAC
13	JOSEPH LYNN GOURLEY, II,
	) <u>STATEMENT OF ISSUES</u> Respondent. )
14	
15	The Complainant, TRICIA D. PARKHURST, acting in her official capacity as a
16	Supervising Special Investigator of the State of California, for this Statement of Issues against
17	JOSEPH LYNN GOURLEY, II ("Respondent"), is informed and alleges as follows:
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19	On or about October 25, 2016, Respondent made application to the Bureau of
20	Real Estate of the State of California for a real estate salesperson license.
21	CRIMINAL CONVICTIONS
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23	On or about July 12, 2006, in the Superior Court of the State of California, County
24	of Butte, Case No. CM024843, Respondent was convicted of violating Section 476a(a)
25	(insufficient funds-multiple checks) of the California Penal Code, a misdemeanor and a crime
26	that bears a substantial relationship to the qualifications, functions or duties of a real estate
27	/// · · · · · · · · · · · · · · · · · ·

licensee pursuant to Section 2910, Title 10, of the California Code of Regulations ("Regulations").

On or about January 11, 2006, in the Superior Court of the State of California, County of Butte, Case No. CM023368, Respondent was convicted of violating Section 2800.1 (evading a police officer) of the California Vehicle Code and Section 101377(a) (possession of a controlled substance) of the California Health and Safety Code, misdemeanors and crimes that bear a substantial relationship to the qualifications, functions or duties of a real estate licensee pursuant to Section 2910 of the Regulations.

On or about July 2, 2002, in the Superior Court of the State of California, County of Butte, Case No. CM016260, Respondent was convicted of three counts of violating Section 273a(a) (child abuse) of the California Penal Code, misdemeanors and crimes that bear a substantial relationship to the qualifications, functions or duties of a real estate licensee pursuant to Section 2910 of the Regulations.

On or about March 27, 1995, in the District Court of the State of Nevada, City of Carson, Case No. 94-02124C, Respondent was convicted of violating Sections 200.364/200.368 (statutory sexual seduction) of the Nevada Revised Statutes, a misdemeanor and a crime that bears a substantial relationship to the qualifications, functions or duties of a real estate licensee pursuant to Section 2910 of the Regulations.

## **GROUNDS FOR DENIAL**

Respondent's criminal convictions described above in Paragraphs 2 through 5, constitute cause for denial of Respondent's application for a real estate salesperson license pursuant to the provisions of Sections 480(a)(1) (conviction of crime), 480(a)(2) (act involving ///

dishonesty, fraud, or deceit), 10177(b) (conviction of crime), and 10177(j) (engaged in conduct that constitutes fraud or dishonest dealing) of the Code.

WHEREFORE, the 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/broker license to Respondent, and for such other and further relief as may be proper under applicable provisions of law.

TRICIA D. PARKHURST Supervising Special Investigator

Dated at Sacramento, California, this May day of May, 2018

## **DISCOVERY DEMAND**

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