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DEPARTMENT OF REAL ESTATE
By L. Kropp

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)

12 ALEXIS YVONNE JAMYNE SMITH,)

13 Respondent.)
14)

NO. H-6739 SAC

STATEMENT OF ISSUES

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 ALEXIS YVONNE JAMYNE SMITH ("Respondent"), is informed and alleges as follows:

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19 On or about January 11, 2018, Respondent made application to the Department of
20 Real Estate of the State of California for a real estate salesperson license.

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22 In response to Question 23 of said application to wit: "HAVE YOU EVER BEEN
23 CONVICTED (SEE PARAGRAPH ABOVE) OF ANY VIOLATION OF THE LAW AT THE
24 MISDEMEANOR OR FELONY LEVEL? IF YES, COMPLETE ITEM 29 WITH
25 INFORMATION ON EACH CONVICTION," Respondent concealed and failed to disclose
26 the convictions described below in Paragraphs 3 and 4.

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On or about July 30, 2007, in the Superior Court of the State of California, County of Alameda, Case No. 83121, Respondent was convicted of violating Section 12500(a) (driving without a valid license) of the California Vehicle Code, 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, Title 10, of the California Code of Regulations ("Regulations").

On or about July 23, 2004, in the Superior Court of the State of California, County of Alameda, Case No. 376499, Respondent was convicted of violating Section 484(a) (theft) of the California Penal Code, 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.


GROUND FOR DENIAL

Respondent's failure to disclose the convictions described above in Paragraphs 3 and 4, constitutes cause for denial of Respondent's application for a real estate salesperson license pursuant to the provisions of Sections 480(d) (false statement of fact required to be revealed in application) and 10177(a) (attempted procurement of real estate license by fraud, misrepresentation, or deceit) of the California Business and Professions Code ("Code").

Respondent's criminal convictions described above in Paragraphs 3 and 4, 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

1 authorize the issuance of, and deny the issuance of, a real estate salesperson/broker license to
2 Respondent, and for such other and further relief as may be proper under applicable provisions of
3 law.

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5 TRICIA D. PARKHURST
6 Supervising Special Investigator
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8 Dated at Sacramento, California,
9 this 17th day of October, 2018.
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11 DISCOVERY DEMAND
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13 Pursuant to Sections 11507.6, *et seq.* of the *Administrative Procedure Act*, the
14 Department hereby makes demand for discovery pursuant to the guidelines set forth in the
15 *Administrative Procedure Act*. Failure to provide Discovery to the Department may result in the
16 exclusion of witnesses and documents at the hearing or other sanctions that the Office of
17 Administrative Hearings deems appropriate.
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