

1 KYLE T. JONES, Counsel (SBN 300751)  
2 Department of Real Estate  
3 P.O. BOX 137007  
Sacramento, CA 95813-7007

**FILED**

4 Telephone: (916) 576-8700  
5 (916) 263-3767 (Fax)  
6 (916) 576-7840 (Direct)

FEB 07 2019

DEPARTMENT OF REAL ESTATE  
By K. Krapp

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

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11 In the Matter of the Application of )  
12 JERRALD SHYRONE CUMMINGS, ) NO. H-6782 SAC  
13 ) STATEMENT OF ISSUES  
14 Respondent. )

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 JERRALD SHYRONE CUMMINGS ("Respondent"), is informed and alleges as follows:

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19 On or about July 1, 2016, Respondent made application to the Department of Real  
20 Estate of the State of California for a real estate salesperson license.

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22 In response to Question 28 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 34 WITH  
25 INFORMATION ON EACH CONVICTION," Respondent concealed and failed to disclose  
26 the convictions described below in Paragraphs 3, 4, and 5.

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On or about October 12, 2012, in the Superior Court of the State of California, County of Placer, Case No. 62-111124 C, Respondent was convicted of violating Section 148 (resist or obstruct officer) 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, Title 10, of the California Code of Regulations ("Regulations").

On or about May 13, 2008, in the Superior Court of the State of California, County of Sacramento, Case No. 08T02280, Respondent was convicted of violating Section 23152(b) (driving under the influence-over .08%) 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 of the Regulations.

On or about June 24, 2002, in the Superior Court of the State of California, County of Sacramento, Case No. 02TR011153, Respondent was convicted of violating Section 14601.1(a) (driving while license suspended or revoked) 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 of the Regulations.

GROUND FOR DENIAL

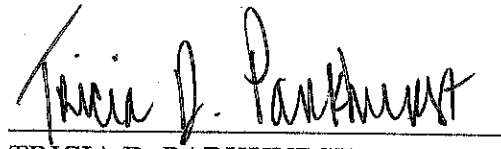
Respondent's failure to disclose the convictions described above in Paragraphs 3, 4, and 5 constitutes cause for denial of Respondent's application for a real estate salesperson license pursuant to the provisions of Sections 480(d) (false statement of fact required to be revealed in application) and 10177(a) (attempted procurement of real estate license by fraud, misrepresentation, or deceit) of the California Business and Professions Code ("Code").

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Respondent's criminal convictions described above in Paragraphs 3, 4 and 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) and 10177(b) (conviction of crime) 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 1st day of February 2019.

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.