1 2 3 4 5 6 7	KYLE T. JONES, Counsel (SBN 300751) Department of Real Estate P.O. BOX 137007 Sacramento, CA 95813-7007 Telephone: (916) 576-8700 (916) 263-3767 (Fax) (916) 576-7840 (Direct) DEPARTMENT OF REAL ESTATE By G. II. CLUD ICS
8	BEFORE THE DEPARTMENT OF REAL ESTATE
9	STATE OF CALIFORNIA
10	* * *
11	In the Matter of the Application of
12) DRE NO. H-6908 SAC DEVON ALBERT QUALLS,)
13) STATEMENT OF ISSUES 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	DEVON ALBERT QUALLS ("Respondent"), is informed and alleges as follows:
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19	On or about September 6, 2018, Respondent made application to the Department
20	of Real Estate of the State of California for a real estate salesperson license.
21	2
22	In response to Question 26 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 32 WITH
25	INFORMATION ON EACH CONVICTION," Respondent concealed and failed to disclose
26	the convictions described below in Paragraphs 4, 5, and 6.
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("Regulations").

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On or about July 12, 2019, in the Superior Court of the State of California, County of El Dorado, Case No. S18CRM0499, 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, Title 10, of the California Code of Regulations

On or about February 12, 2009, in the Superior Court of the State of California, County of Alameda, Case No. 83806, Respondent was convicted of violating Section 14601.1(a) (driving while license suspended) 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 April 27, 1990, in the Superior Court of the State of California, County of Alameda, Case No. 332738, Respondent was convicted of violating Section 415 (disturbing the peace) 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.

On or about February 26, 1985, in the Superior Court of the State of California, County of Alameda, Case No. 100448, Respondent was convicted of violating Section 12031(a) (carry a loaded firearm in a public place) 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.

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GROUNDS FOR DENIAL

Respondent's failure to disclose the convictions described above in Paragraphs 4, 5, and 6 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 through 6 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 30th day of <u>December</u> 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.