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**FILED**  
FEB 02 2012  
DEPARTMENT OF REAL ESTATE  
By *L. Frost*

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Application of )  
12 AMBER MARIE MERRIGAN, ) No. H-11319 SF  
13 Respondent. ) STATEMENT OF ISSUES  
14

15 The Complainant, E.J. HABERER, II, acting in his official capacity as a Deputy  
16 Real Estate Commissioner of the State of California, for Statement of Issues against AMBER  
17 MARIE MERRIGAN (herein "Respondent"), alleges as follows:

18 1.

19 On or about September 19, 2011, Respondent made application to the  
20 Department of Real Estate of the State of California (herein "the Department") for a real estate  
21 salesperson license.

22 2.

23 In response to Part D, Question 1 of said application, to wit: HAVE YOU EVER  
24 BEEN CONVICTED OF A MISDEMEANOR OR FELONY? **CONVICTIONS EXPUNGED**  
25 **UNDER PENAL CODE SECTION 1203.4 MUST BE DISCLOSED. HOWEVER, YOU**  
26 **MAY OMIT MINOR TRAFFIC CITATIONS WHICH DO NOT CONSTITUTE A**

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1 **MISDEMEANOR OR FELONY,**” Respondent concealed and failed to disclose the conviction  
2 described below in Paragraph 3.

3 3.

4 On or about November 2, 2006, in the Superior Court of the State of California,  
5 County of Alameda, Case Number 394287, Respondent was convicted of violating section  
6 484(a) of the Penal Code (petty theft), a misdemeanor which bears a substantial relationship  
7 under section 2910, title 10, California Code of Regulations, to the qualifications, functions or  
8 duties of a real estate licensee.

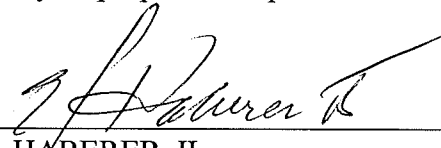
9 4.

10 In failing to reveal the conviction described above in Paragraph 3, Respondent  
11 procured or attempted to procure a real estate license by fraud, misrepresentation, or deceit, or  
12 by making a material misstatement of fact in said application which constitutes cause under  
13 sections 480(c) and 10177(a) of the Business and Professions Code (herein “the Code”) for the  
14 denial of Respondent’s application for a real estate license.

15 5.

16 Respondent’s criminal conviction, as described above in Paragraph 3, constitutes  
17 grounds under sections 480(a) and 10177(b) of the Code for the denial of Respondent’s  
18 application for a real estate license.

19 WHEREFORE, Complainant prays that the above-entitled matter be set for  
20 hearing and, upon proof of the charges contained herein, that the Commissioner refuse to  
21 authorize the issuance of, and deny the issuance of a real estate salesperson license to  
22 Respondent, and for such other and further relief as may be proper in the premises.

23  
24   
25 E.J. HABERER, II  
26 Deputy Real Estate Commissioner

26 Dated at Oakland, California,

27 this 30 day of January, 2012.