

Flag
FILED

JUN 10 2014
BUREAU OF REAL ESTATE
By S. Buck

BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Application of

No. H-11677 SF

MARCUS DOYLE SCHAIBLE,

Respondent.

DISMISSAL

Respondent MARCUS DOYLE SCHAIBLE withdrew his application for a real estate salesperson license. Therefore, the Statement of Issues herein filed on April 14, 2014 is DISMISSED.

IT IS SO ORDERED MAY 23 2014

REAL ESTATE COMMISSIONER


JEFFREY MASON
Chief Deputy Commissioner

FILE

JASON D. LAZARK, Counsel (SBN 263714)
Bureau of Real Estate
P. O. Box 137007
Sacramento, CA 95813-7007
Telephone: (916) 263-8684

FILED

APR 14 2014

BUREAU OF REAL ESTATE

[Signature]

BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of

MARCUS DOYLE SCHAIBLE,

Respondent.

No. H-11677 SF

STATEMENT OF ISSUES

The Complainant, ROBIN S. TANNER, acting in her official capacity as a Deputy Real Estate Commissioner of the State of California, for Statement of Issues against MARCUS DOYLE SCHAIBLE ("Respondent"), alleges as follows:

1.

On or about December 28, 2012, Respondent made application to the Bureau of Real Estate of the State of California for a real estate salesperson license.

FAILURE TO DISCLOSE CONVICTIONS

2.

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

///

1 **CONSTITUTE A MISDEMEANOR OR FELONY”**, Respondent concealed and failed to
2 disclose the convictions described below in Paragraphs 4, 7 and 8.

3 **CRIMINAL CONVICTIONS**

4 3.

5 On or about January 12, 2009, in the Superior Court of the State of California,
6 County of Humboldt, Case Number CR084123, Respondent was convicted of violating section
7 242 of the Penal Code (battery), a misdemeanor which bears a substantial relationship under
8 section 2910, title 10, California Code of Regulations (herein “the Regulations”) to the
9 qualifications, functions or duties of a real estate licensee.

10 4.

11 On or about January 12, 2009, in the Superior Court of the State of California,
12 County of Humboldt, Case Number CR085293S, Respondent was convicted of violating section
13 14601.5(a) of the Vehicle Code (driving with a suspended or revoked license), a misdemeanor
14 which bears a substantial relationship under section 2910, title 10 of the Regulations to the
15 qualifications, functions or duties of a real estate licensee.

16 5.

17 On or about June 19, 2007, in the Superior Court of the State of California,
18 County of Humboldt, Case Number CR072839S, Respondent was convicted of violating section
19 23152(a) of the Vehicle Code (driving under the influence of alcohol or drugs), a misdemeanor
20 which bears a substantial relationship under section 2910, title 10 of the Regulations to the
21 qualifications, functions or duties of a real estate licensee.

22 6.

23 On or about July 31, 2000, in the Superior Court of the State of California,
24 County of Humboldt, Case Number CR003201S, Respondent was convicted of violating section
25 23152(b) of the Vehicle Code (driving with a blood alcohol level at or above .08%), a
26 misdemeanor which bears a substantial relationship under section 2910, title 10 of the
27 Regulations to the qualifications, functions or duties of a real estate licensee.

1 7.

2 On or about May 22, 2000, in the Superior Court of the State of California,
3 County of Alameda, Case Number 336906, Respondent was convicted of violating Penal Code
4 sections 242 (battery) and 415 (disturbing the peace), misdemeanors which bears a substantial
5 relationship under section 2910, title 10, of the Regulations to the qualifications, functions or
6 duties of a real estate licensee.

7 8.

8 On or about April 24, 1991, in the Superior Court of the State of California,
9 County of Alameda, Case Number 262542, Respondent was convicted of violating section
10 12500(a) of the Vehicle Code (driving without a license) a misdemeanor which bears a
11 substantial relationship under section 2910, title 10, of the Regulations to the qualifications,
12 functions or duties of a real estate licensee.

13 GROUND FOR DISCIPLINE

14 9.

15 In failing to reveal the convictions described above in Paragraphs 4, 7 and 8,
16 Respondent procured or attempted to procure a real estate license by fraud, misrepresentation,
17 or deceit, or by making a material misstatement of fact in said application, which constitutes
18 grounds for denial of Respondent's application for a real estate license under sections 480(c)
19 and 10177(a) of the Business and Professions Code ("the Code").

20 10.

21 Respondent's criminal convictions, as described above in Paragraphs 3 through
22 8, constitute grounds for denial of Respondent's application for a real estate license under
23 sections 480(a) and 10177(b) of the Code.

24 WHEREFORE, Complainant prays that the above-entitled matter be set for
25 hearing and, upon proof of the charges contained herein, that the Commissioner refuse to

26 ///

27 ///

1 authorize the issuance of, and deny the issuance of a real estate salesperson license to
2 Respondent, and for such other and further relief as may be proper in the premises.

3
4
5 

6 ROBIN S. TANNER,
7 Deputy Real Estate Commissioner

8 Dated at Oakland, California,

9 this 9th day of April, 2014.

10 DISCOVERY DEMAND

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