

FILED

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BUREAU OF REAL ESTATE

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9 BEFORE THE
10 BUREAU OF REAL ESTATE
11 STATE OF CALIFORNIA

12 * * *

13 In the Matter of the Application of)
14) H-11864 SF
15 DAMIEN HAWTHORNE KEY,)
16) STATEMENT OF ISSUES
17 Respondent.)
18)
19)

20 The Complainant, ROBIN S. TANNER, in her official capacity as a Supervising
21 Special Investigator for the Bureau of Real Estate, State of California, brings this Statement of
22 Issues against DAMIEN HAWTHORNE KEY ("Respondent") and is informed and alleges as
23 follows:
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25 1

26 Respondent made application to the Bureau of Real Estate ("Bureau") for a real
27 estate salesperson license on or about April 21, 2014.

28 2

29 In response to Question 25 of the Background Information Section of said
30 application, to wit: "Have you ever been convicted of any violation of law? All state and federal
31 misdemeanor and felony convictions, and all military and foreign convictions, must be disclosed.
32 Convictions expunged under Penal Code Section 1203.4 or a similar statute must still be disclosed."

1 Respondent concealed and failed to disclose the convictions described in Paragraphs 3, 4, and 6,
2 below.

3 3

4 On or about July 15, 2008, in the Superior Court of the State of California,
5 County of Yolo, Case No. CR-08-003041, Respondent was convicted of violating Section
6 14601.1(a) of the California Vehicle Code (driving on suspended license), a misdemeanor and
7 a crime that bears a substantial relationship under Section 2910, Title 10, of the California
8 Code of Regulations ("the Regulations"), to the qualifications, functions or duties of a real
9 estate licensee.

10 4

11 On or about September 5, 2000, in the 3rd District Court of the State of
12 Louisiana, Case No. 46574, Respondent was convicted of two (2) counts of violating Section
13 14:62 of the Louisiana Revised Statutes (theft), misdemeanors and crimes that bear a
14 substantial relationship under Section 2910 of the Regulations to the qualifications, functions
15 or duties of a real estate licensee.

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17 On or about April 30, 1997, in the 3rd District Court of the State of Louisiana,
18 Case No. 42004, Respondent was convicted of violating Section 14:67.3 of the Louisiana
19 Revised Statutes (unauthorized use of Access Card), a felony and a crime that bears a
20 substantial relationship under Section 2910 of the Regulations to the qualifications, functions
21 or duties of a real estate licensee.

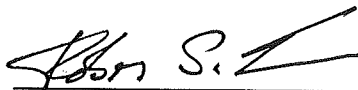
22 6

23 On or about January 15, 1997, in the 3rd District Court of the State of Louisiana,
24 Case No. 41686, Respondent was convicted of violating Section 14:103 of the Louisiana
25 Revised Statutes (disturbing the peace – fighting), a misdemeanor and a crime that bears a
26 substantial relationship under Section 2910 of the Regulations to the qualifications, functions
27 or duties of a real estate licensee.

Respondent's failure to reveal in his application for a real estate salesperson license the convictions set forth in Paragraphs 3 through 6, above, constitutes the procurement of or attempt to procure a real estate license by fraud, misrepresentation, or deceit, or by making a material misstatement of fact in said application, which failure is cause for denial of Respondent's application for a real estate salesperson license pursuant to the provisions of Sections 480(c) (knowingly making false statement of fact required to be revealed in application for license) and 10177(a) (attempted procurement of real estate license by fraud, misrepresentation or deceit) of the California Business and Professions Code (the "Code").

Respondent's criminal convictions, described in Paragraphs 3 through 6, above, constitute cause for denial of Respondent's application for a real estate salesperson license pursuant to the provisions of Section 480(a) (conviction of crime), 10177(b) (conviction of crime), and 10177(j) (fraud/dishonest dealing) of the Code.

WHEREFORE, 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 license to Respondent, and for such other and further relief as may be proper under the provisions of the law.



ROBIN S. TANNER
Supervising Special Investigator

Dated at Oakland, California,
this 9th day of July, 2015.