

FILED

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AUG 17 2015

BUREAU OF REAL ESTATE

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9 BEFORE THE BUREAU OF REAL ESTATE
10 STATE OF CALIFORNIA

11 In the Matter of the Application of)

12 MANUEL STEPHAN SILVA,)

13 Respondent.)
14)

NO. H-11878 SF

STATEMENT OF ISSUES

15 The Complainant, ROBIN S. TANNER, in her official capacity as a Supervising
16 Special Investigator of the State of California, brings this Statement of Issues against
17 MANUEL STEPHAN SILVA, also known as "Manuel Stephan Gonzalez, Jr." ("Respondent")
18 and is informed and alleges as follows:

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20 Respondent made application to the Bureau of Real Estate of the State of
21 California for a real estate salesperson license on or about September 3, 2014.

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23 In response to Question 1, Part D, of said application, to wit: "Have you ever
24 been convicted of any violation of the law? All State and Federal misdemeanor and felony
25 convictions, and all military and foreign convictions, must be disclosed. Convictions expunged
26 under Penal Code Section 1203.4 or a similar statute must still be disclosed", Respondent
27 concealed and failed to disclose the convictions described in Paragraphs 4 and 5, below.

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On or about December 17, 2007, in the Superior Court of the State of California, County of Contra Costa, Case No. 1-134079-3, Respondent was convicted of violating Sections 23152(a) (driving under the influence) and 23152(b) (driving under the influence) of the California Vehicle Code, misdemeanors and crimes that bear a substantial relationship under Section 2910, Title 10, of the California Code of Regulations ("the Regulations"), to the qualifications, functions or duties of a real estate licensee.

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On or about November 24, 2005, in the Superior Court of the State of California, County of Solano, Case No. VCR181635, Respondent was convicted of violating Section 11377(a) (possession of controlled substance) of the California Health & Safety Code, a misdemeanor and a crime that bears a substantial relationship under Section 2910 of the Regulations, to the qualifications, functions or duties of a real estate licensee.

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On or about January 28, 2005, in the Superior Court of the State of California, County of Solano, Case No. VCR176339M8, Respondent was convicted of violating Sections 20002(a) (hit and run) and 14601.1(a) (driving on suspended/revoked license) of the California Vehicle Code, misdemeanors and crimes that bear a substantial relationship under Section 2910 of the Regulations, to the qualifications, functions or duties of a real estate licensee.

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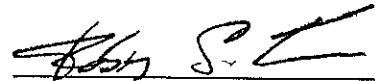
Respondent's criminal convictions, described in Paragraphs 3 through 5, above, constitute cause for denial of Respondent's application for a real estate salesperson license pursuant to the provisions of Section 480(a) (conviction of crime) and 10177(b) (conviction of crime) of the California Business and Professions Code.

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Respondent's failure to reveal in his application for a real estate salesperson license the convictions set forth in Paragraphs 4 and 5, above, constitutes the procurement of or

1 attempt to procure a real estate license by fraud, misrepresentation, or deceit, or by making a
2 material misstatement of fact in said application, which failure is cause for denial of
3 Respondent's application for a real estate salesperson license pursuant to the provisions of
4 Sections 480(c) and 10177(a) of the Code.

5 WHEREFORE, Complainant prays that the above-entitled matter be set for
6 hearing and, upon proof of the charges contained herein, that the Commissioner refuse to
7 authorize the issuance of, and deny the issuance of, a real estate salesperson license to
8 Respondent, and for such other and further relief as may be proper under the provisions of the
9 law.

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14 ROBIN S. TANNER
15 Supervising Special Investigator
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17 Dated at Oakland, California,
18 this 11th day of August, 2015.
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