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BUREAU OF REAL ESTATE

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BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Application of TOMMY RAY TURNER, JR., Respondent.	NO. H-12164 SF STATEMENT OF ISSUES

The Complainant, ROBIN S. TANNER, acting in her official capacity as a Supervising Special Investigator of the State of California, for this Statement of Issues against TOMMY RAY TURNER, JR. ("Respondent"), is informed and alleges as follows:

1

On or about April 28, 2016, 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 Question 28 of said application to wit: "HAVE YOU EVER BEEN CONVICTED (**SEE PARAGRAPH ABOVE**) OF ANY VIOLATION OF THE LAW AT THE MISDEMEANOR OR FELONY LEVEL? **IF YES, COMPLETE ITEM 34 WITH INFORMATION ON EACH CONVICTION**," Respondent concealed and failed to disclose the convictions described below in Paragraphs 9 and 10.

CRIMINAL CONVICTIONS

3

On or about June 9, 2010, in the Superior Court of the State of California, County of San Mateo, Case No. NM392035A, Respondent was convicted of violating Sections 23152(a) (driving under the influence) and 14601.2(a) (driving on a suspended or revoked license) of the California Vehicle Code, misdemeanors and crimes that bear 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 ("Regulations").

4

On or about March 19, 2010, in the Superior Court of the State of California, County of Santa Clara, Case No. BB938606, Respondent was convicted of violating Section 14601.2(a) 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.

5

On or about November 30, 2009, in the Superior Court of the State of California, County of Alameda, Case No. 129774, Respondent was convicted of violating Section 23152(b) of the California Vehicle Code (driving under the influence), 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.

6

On or about July 24, 2007, in the Superior Court of the State of California, County of San Mateo, Case No. SC064046A, Respondent was convicted of violating Section 11350(a) of the California Health and Safety Code (possession of narcotics), a felony 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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On or about March 27, 2007, in the Superior Court of the State of California, County of Alameda, Case No. 221151, Respondent was convicted of violating Section 23152(a) 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.

8

On or about April 22, 2004, in the Superior Court of the State of California, County of Alameda, Case No. 371448, Respondent was convicted of violating Section 11350 of the California Health and Safety 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.

9

On or about June 13, 1996, in the District Court of the State of Texas, County of McLennan, Case No. 96-250-C, Respondent was convicted of violating Section 30.02 of the Texas Penal Code (burglary of a habitation), a felony 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.

10

On or about July 13, 1995, in the Superior Court of the State of California, County of Santa Cruz, Case No. 44-03034, Respondent was convicted of violating Section 245(a)(1) of the California Penal Code (assault with a deadly weapon/not a firearm), 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.

11

On or about June 15, 1995, in the Superior Court of the State of California, County of Alameda, Case No. 163761, Respondent was convicted of violating Section 148.9 of

the California Penal Code (false identification to a peace officer), 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.

12

On or about September 28, 1993, in the Superior Court of the State of California, County of Alameda, Case No. 151939, Respondent was convicted of violating Section 148.9 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.

GROUNDS FOR DENIAL

13

Respondent's failure to disclose the convictions described above in Paragraphs 9 and 10, 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 Business and Professions Code ("Code").

14

Respondent's criminal convictions described above in Paragraphs 3 through 12, 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

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Respondent, and for such other and further relief as may be proper under applicable provisions of law.

ROBIN S. TANNER
Supervising Special Investigator

Dated at Oakland, California,
this 1st day of December, 2017.

DISCOVERY DEMAND

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