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FILED

MAR 20 2018

BUREAU OF REAL ESTATE

By HP. Diaz

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7
8 BEFORE THE BUREAU OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of:)

12 BERTA MARINA ULLOA MARQUEZ,)

13 Respondent.)

No. H-12224 SF

STATEMENT OF ISSUES

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15 CONVICTE The Complainant, ROBIN S. TANNER, acting in her official capacity as a
16 Supervising Special Investigator of the State of California, for a Statement of Issues against
17 BERTA MARINA ULLOA MARQUEZ ("Respondent"), is informed and alleges as follows:

18 1

19 On or about November 15, 2016, Respondent made application to the Bureau of
20 Real Estate of the State of California for a real estate salesperson license.

21 FAILURE TO DISCLOSE CONVICTIONS

22 2

23 In response to Question 28 of said application, to wit: HAVE YOU EVER BEEN
24 CONVICTED (SEE PARAGRAPH ABOVE) OF ANY VIOLATION OF THE LAW AT THE
25 MISDEMEANOR OR FELONY LEVEL? IF YES, COMPLETE ITEM 34 WITH
26 INFORMATION ON EACH CONVICTION," Respondent concealed and failed to disclose
27 the convictions described below in Paragraphs 3 and 4.

1 CRIMINAL CONVICTIONS

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3 On or about March 8, 1999, in the Superior Court of the State of California,
4 County of San Mateo, Case Number NM291048A, Respondent was convicted of violating
5 section 460(b) of the Penal Code (second degree burglary), a misdemeanor which bears a
6 substantial relationship under section 2910, title 10, California Code of the Regulations (herein
7 "the Regulations") to the qualifications, functions or duties of a real estate licensee.

8 4

9 On or about August 9, 1991, in the Superior Court of the State of California,
10 County of Alameda, Case Number 140628, Respondent was convicted of violating section
11 484(a) of the Penal Code (petty theft), a misdemeanor which bears a substantial relationship
12 under section 2910, title 10 of the Regulations to the qualifications, functions or duties of a real
13 estate licensee.

14 GROUND FOR DENIAL

15 5

16 In failing to reveal the convictions described above in Paragraphs 3 and 4,
17 Respondent procured or attempted to procure a real estate license by fraud, misrepresentation, or
18 deceit, or by making a material misstatement of fact in said application, which constitutes
19 grounds under sections 480(c) and 10177(a) of the Business and Professions Code ("the Code")
20 for the denial of Respondent's application for a real estate license.

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22 Respondent's criminal convictions, as described above in Paragraphs 3 and 4,
23 constitute grounds under sections 480(a) and 10177(b) of the Code for the denial of
24 Respondent's application for a real estate license.

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

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7 ROBIN S. TANNER,
Supervising Special Investigator

8 Dated at Oakland, California,
9 this 15th day of March, 2018.

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11 DISCOVERY DEMAND

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