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OCT 18 2018

DEPARTMENT OF REAL ESTATE
By L. Knapp

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)
12) NO. H-12297 SF
13 ASHLEY LORRAINE MCSWEENEY,)
14) STATEMENT OF ISSUES
15) Respondent.)

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

18 1

19 On or about November 20, 2017, Respondent made application to the Department
20 of Real Estate of the State of California for a real estate salesperson license.

21 2

22 In response to Question 28 of said application to wit: "HAVE YOU EVER BEEN
23 CONVICTED (SEE PARAGRAPH ABOVE) OF ANY VIOLATION OF THE LAW AT THE
24 MISDEMEANOR OR FELONY LEVEL? IF YES, COMPLETE ITEM 34 WITH
25 INFORMATION ON EACH CONVICTION," Respondent concealed and failed to disclose
26 the convictions described below in Paragraphs 4, 5, and 6.

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On or about February 13, 2013, in the Superior Court of the State of California, County of Sonoma, Case No. SCR-625934-2, Respondent was convicted of two counts of violating Section 211 (robbery) of the California Penal Code, felonies 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").

On or about June 9, 2011, in the Superior Court of the State of California, County of Sonoma, Case No. SCR-546995-1, Respondent was convicted of violating Section 12500(a) (driving without a license) 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.

On or about January 8, 2010, in the District Court of the State of Alaska, County of Homer, Case No. 3HO-07-321, Respondent was convicted of violating Section 28.35.030 (driving under the influence) of the Alaska Statutes, 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.

On or about April 8, 2003, in the Superior Court of the State of California, County of Sonoma, Case No. SCR-31555-2, Respondent was convicted of violating Section 484 (theft) 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.

GROUND FOR DENIAL

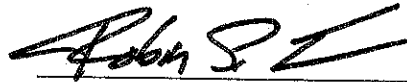
Respondent's failure to disclose the convictions described above in Paragraphs 4,

1 4, and 5 constitutes cause for denial of Respondent's application for a real estate salesperson
2 license pursuant to the provisions of Sections 480(d) (false statement of fact required to be
3 revealed in application) and 10177(a) (attempted procurement of real estate license by fraud,
4 misrepresentation, or deceit) of the California Business and Professions Code ("Code").

5 8

6 Respondent's criminal convictions described above in Paragraphs 3 through 6,
7 constitute cause for denial of Respondent's application for a real estate salesperson license
8 pursuant to the provisions of Sections 480(a)(1) (conviction of crime), 480(a)(2) (act involving
9 dishonesty, fraud, or deceit), 10177(b) (conviction of crime), and 10177(j) (engaged in conduct
10 that constitutes fraud or dishonest dealing) of the Code.

11 WHEREFORE, the Complainant prays that the above-entitled matter be set for
12 hearing and, upon proof of the charges contained herein, that the Commissioner refuse to
13 authorize the issuance of, and deny the issuance of, a real estate salesperson/broker license to
14 Respondent, and for such other and further relief as may be proper under applicable provisions of
15 law.

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17 ROBIN S. TANNER
18 Supervising Special Investigator

19 Dated at Oakland, California,

20 this 16th day of October, 2018.

21
22 DISCOVERY DEMAND

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