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FILED

APR 05 2019

DEPARTMENT OF REAL ESTATE
By X. Krupp

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)

12 ERIC F. BRODRICK,)

13 Respondent.)

NO. H-12375 SF

STATEMENT OF ISSUES

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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 ERIC F. BRODRICK("Respondent"), is informed and alleges as follows:

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19 On or about June 14, 2018, Respondent made application to the Department of
20 Real Estate of the State of California for a real estate salesperson license.

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22 In response to Question 23 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 29 WITH
25 INFORMATION ON EACH CONVICTION," Respondent concealed and failed to disclose
26 the convictions described below in Paragraphs 6, 9, and 11.

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On or about January 21, 2015, in the Superior Court of the State of California, County of San Mateo, Case No. NM428170A, Respondent was convicted of violating Section 14601.2(a) (knowingly drive with suspended 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, Title 10, of the California Code of Regulations ("Regulations").

On or about January 20, 2012, in the Superior Court of the State of California, County of San Mateo, Case No. NM401893A, 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.

On or about May 27, 2010, in the Superior Court of the State of California, County of San Mateo, Case No. NF393659A, Respondent was convicted of violating Section 530.5(a) (unauthorized use of another's personal identifying information) 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.

On or about January 21, 2003, in the Superior Court of the State of California, County of San Mateo, Case No. NM324674A, Respondent was convicted of violating Section 529(3) (personate to make other liable) 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.

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On or about December 21, 2001, in the Superior Court of the State of California, County of San Mateo, Case No. NM316054A, 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.

On or about July 16, 2001, in the Superior Court of the State of California, County of San Mateo, Case No. NM312510A, 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.

On or about March 19, 1998, in the Municipal Court of the State of California, County of Santa Barbara, Case No. 479058, Respondent was convicted of violating Section 14601.2(a) and 23152(a) (driving under the influence) 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 of the Regulations.

On or about August 8, 1996, in the Superior Court of the State of California, County of San Mateo, Case No. NM266521A, Respondent was convicted of violating Section 23152(b) (driving under the influence-over .08%) 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 July 11, 1995, in the Superior Court of the State of California, County of San Mateo, Case No. NM252752A, Respondent was convicted of violating Section 242

(battery) 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.

GRUNDS FOR DENIAL

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Respondent's failure to disclose the convictions described above in Paragraphs 6, 9, and 11 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 California Business and Professions Code ("Code").

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Respondent's criminal convictions described above in Paragraphs 3 through 11 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), 480(a)(2) (act involving dishonesty, fraud, or deceit), 10177(b) (conviction of crime), and 10177(j) (engaged in conduct that constitutes fraud or dishonest dealing) 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 Respondent, and for such other and further relief as may be proper under applicable provisions of law.

Robin S. Z

ROBIN S. TANNER
Supervising Special Investigator

Dated at Oakland, California,
this 3rd day of April, 2019.

DISCOVERY DEMAND

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