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FILED  
JAN - 9 2002

DEPARTMENT OF REAL ESTATE

By K. Kederholt

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Application of	)	No. H-29280 LA
	)	
ROBERT BENJAMIN KIRKLAND IV,	)	
	)	
Respondent.	)	

ORDER DENYING APPLICATION FOR A REAL ESTATE LICENSE

The Real Estate Commissioner, in conformity with Section 10152, Division 4, Business and Professions Code of the State of California, required further proof of the honesty and truthfulness of ROBERT BENJAMIN KIRKLAND IV (Respondent), in connection with respondent's application for a real estate salesperson license filed on January 30, 2001, and in relation thereto, filed a Statement of Issues on November 6, 2001.

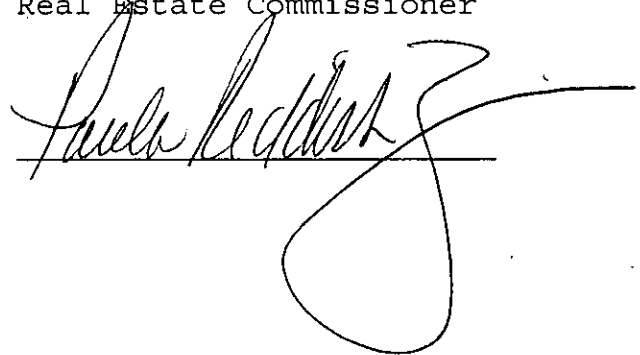
Said Statement of Issues was properly served on respondent on or about November 6, 2001. Respondent has, to date, failed to file a Notice of Defense, request a hearing or otherwise establish that he is entitled to the license sought.

1                    IT IS THEREFORE ORDERED, pursuant to the authority  
2 granted under Section 11520 of the Government Code of the State  
3 of California, that the application of ROBERT BENJAMIN KIRKLAND  
4 IV for a real estate salesperson license is hereby denied.

5                    This Order shall be effective immediately.

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7 DATED: January 4, 2002

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9                    PAULA REDDISH ZINNEMANN  
10                    Real Estate Commissioner

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**FILED**  
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DEPARTMENT OF REAL ESTATE

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Department of Real Estate  
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Los Angeles, California 90013-1105  
  
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By *K. M. Lech*

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Application of	)	No. H-29280 LA
ROBERT BENJAMIN KIRKLAND IV,	)	<u>STATEMENT OF ISSUES</u>
Respondent.	)	

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, for Statement of Issues against ROBERT BENJAMIN KIRKLAND IV aka Marcus Kirkland (respondent) is informed and alleges in his official capacity as follows:

1

Respondent made application to the Department of Real Estate of the State of California for a real estate salesperson license on or about January 30, 2001, subject to Section 10153.4(c) under the Real Estate Law (Part 1 of Division 4 of the California Business and Professions Code) (Code) with the knowledge and understanding that any license issued as a result

1 of said application would be subject to the conditions of Section  
2 10153.4 California Business and Professions Code) (Code).

3  
4 2

5 In response to Question 25 of said license application,  
6 to wit: "Have you ever been convicted of any violation of law?  
7 (You may omit convictions for drunk driving, reckless driving,  
8 and minor traffic citation which do not constitute a misdemeanor  
9 or felony offense)." Respondent checked the box denoting "No".  
10 Respondent failed to disclose the conviction set forth below.

11 3

12 On March 4, 1999, in the Superior Court of California, Harbor  
13 Judicial District, County of Orange, State of California,  
14 respondent was convicted upon a guilty plea to one count of  
15 violating California Penal Code Section 148.9(a) of (false  
16 representing self to a peace officer), a misdemeanor crime, which  
17 by its facts and circumstances involves moral turpitude and is  
18 substantially related under Section 2910, Chapter 6, Title 10 of  
19 the California Code of Regulations, to the qualifications,  
20 functions or duties of a real estate licensee.

21 4

22 Respondent's failure to reveal the conviction in his  
23 application, constitutes an attempt to procure a real estate  
24 license by fraud, misrepresentation or deceit or by making a  
25 material misstatement of fact on his application, which is cause  
26 for denial of respondent's application for a real estate  
27

1 salesperson's license under Code Sections 475(a), 480(c) and  
2 10177(a).

3           These proceedings are brought under the provisions of  
4 Section 10100, Division 4 of the Business and Professions Code of  
5 the State of California and Sections 111500 through 11528 of the  
6 Government Code of the State of California.

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

15 Dated at Los Angeles, California  
16 this 6th day of November, 2001

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19 Deputy Real Estate Commissioner

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24  
25 cc: Robert Benjamin Kirkland IV  
26 Sacto  
27 CW  
Home First Mortgage, Inc.