

By

\* \* \*

Respondent.

IT IS SO ORDERED.

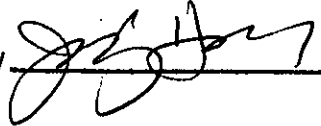
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SANTO

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FILED  
NOV 19 2002

DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Application of )	
ROBERT MEYER WENNING,	) NO. H-29781 LA
Respondent.	) <u>STATEMENT OF ISSUES</u>

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, for Statement of Issues against ROBERT MEYER WENNING (hereinafter "Respondent") is informed and alleges in her official capacity as follows:

I

On or about February 21, 2002, Respondent applied to the Department of Real Estate of the State of California for a real estate salesperson license with the knowledge and understanding that any license issued as a result would be subject to the conditions of Sections 10153.4 of the Business and Professions Code (hereinafter "Code").

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1 II

2 In response to Question 25 of said application, to wit:  
3 "HAVE YOU EVER BEEN CONVICTED OF ANY VIOLATION OF LAW?  
4 Convictions expunged under Penal Code Section 1203.4 must be  
5 disclosed. However, you may omit minor traffic citations which  
6 do not constitute a misdemeanor or felony offense." Respondent  
7 answered "Yes" and indicated that he had one felony conviction  
8 that occurred in 1998. In fact, Respondent has another  
9 conviction that occurred in 1999 that he failed to reveal on said  
10 application.

11 III

12 On or about August 31, 1998, in the Municipal Court of  
13 South Bay Judicial District, County of Los Angeles, State of  
14 California, in case number YA037544, Respondent, upon his plea of  
15 nolo contendere, was convicted of a violating Section 11359 of  
16 the Health and Safety Code (Possess Marijuana/Hashish for Sale) a  
17 felony crime that is substantially related under Section 2910,  
18 Title 10, Chapter 6, California Code of Regulations to the  
19 qualifications, functions or duties of a real estate licensee.

20 IV

21 On or about August 13, 1999, in the Municipal Court of  
22 South Bay Judicial District, County of Los Angeles, State of  
23 California, in case number 9SB01413, Respondent, upon his plea of  
24 nolo contendere, was convicted on violating Section 23103(a) of  
25 the Vehicle Code (Reckless Driving). Respondent did not reveal  
26  
27

1 this conviction in his application for a real estate salesperson  
2 license.

3 V

4  
5 Respondent's failure to disclose the conviction, as  
6 set forth in Paragraph IV above, constitutes the procurement of  
7 a real estate license by misrepresentation, fraud or deceit or  
8 by making a material misstatement of fact in said application  
9 which is cause for denial of issuance of a license to an  
10 applicant under Sections 475(a)(1), 480(c) and 10177(a) of the  
11 Code.

12 VI

13 Further, the crime for which Respondent was convicted,  
14 as described above in Paragraph III, constitutes cause for  
15 denial of his application for a real estate license under  
16 Sections 475(a)(2), 480(a)(1) and 10177(b) of the Code. The  
17 crime for which Respondent was convicted, as described above in  
18 Paragraph IV, constitutes cause for denial of his application  
19 for a real estate license under Sections 475(a)(2) and 480(a)(1)  
20 of the Code.

21 The Statement of Issues is brought under the  
22 provisions of Section 10100, Division 4 of the Business and  
23 Professions Code of the State of California and Sections 11500  
24 through 11528 of the Government Code.

25 WHEREFORE, the Complainant prays that the above-  
26 entitled matter be set for hearing and, upon proof of the  
27 charges contained herein, that the Commissioner refuse to

1 authorize the issuance of, and deny the issuance of a real  
2 estate license to Respondent, ROBERT MEYER WENNING, and for such  
3 other and further relief as may be proper in the premises.

4 Dated at Los Angeles, California

5 this 15<sup>th</sup> day of November, 2002.

6   
7 MARIA SUAREZ  
8 DEPUTY REAL ESTATE COMMISSIONER

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14  
15 cc: Robert Meyer Wenning  
16 Maria Suarez  
17 SACTO  
18 MB  
19 Charles W. Burton  
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