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FILED
MAY 26 2006

DEPARTMENT OF REAL ESTATE

By *K. Knecht*

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Application of)	No. H-32473 LA
ERIC C. FUNDNER,)	
Respondent.)	

DISMISSAL

On April 24, 2006, respondent withdrew his application for a real estate salesperson license and his Notice of Defense requesting a hearing. The Statement of Issues herein filed on January 31, 2005, against respondent ERIC C. FUNDNER is dismissed.

IT IS SO ORDERED this 16 day of MAY, 2006.

JEFF DAVI
Real Estate Commissioner

Handwritten signature of Jeff Davi

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ELLIOTT MAC LENNAN, SBN 66674
Department of Real Estate
320 West 4th Street, Ste. 350
Los Angeles, California 90013-1105

Telephone: (213) 576-6911 (direct)
-or- (213) 576-6982 (office)

FILED
JAN 31 2006
DEPARTMENT OF REAL ESTATE

By *K. M. Kenderholt*

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Application of)
ERIC C. FUNDNER,)
Respondent.)

No. H-32473 LA

STATEMENT OF ISSUES

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, for Statement of Issues against ERIC C. FUNDNER (respondent) is informed and alleges in her 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 April 6, 2005, with the knowledge and understanding that any license issued as a result of said application would be subject to Section 10153.4(c) under the Real Estate Law (Part 1 of Division 4 of the California Business and Professions Code) (Code).

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2.

In response to Question 25 of said license application, to wit: "Have you ever been convicted of any violation of law? Convictions expunged under Penal Code Section 1203.4 must be disclosed. However, you may omit minor traffic citations which do not constitute a misdemeanor or felony offense." Respondent checked the box denoting "Yes". Respondent failed to disclose the conviction set forth in Paragraph 3 below.

3.

On January 9, 1992, in the Borough of Eatontown Municipal Court, County of Monmouth, State of New Jersey, respondent was convicted upon a guilty plea to one count of New Jersey Criminal Statutes Section 2C-20-11 (retail theft - shoplifting), a misdemeanor.

4.

September 29, 1993, in the Municipal Court of Phoenix, State of Arizona, respondent was convicted of one count of Arizona Revised Criminal Code Section 23-52A1 (solicitation of prostitution), a misdemeanor.

5.

On September 30, 1999, in the Municipal Court of Sea Bright, County of Monmouth, State of New Jersey, respondent was convicted of one count of New Jersey Criminal Statutes Section 2C-35-10a(4) (possession of marijuana under 50 grams), a misdemeanor.

6.

1
2 On July 16, 2003, in the Criminal Court of the City of
3 New York - Manhattan Criminal Court, County of New York, State of
4 New York, respondent was convicted of one count of New York
5 Criminal Statutes Section 221.10 (possession of marijuana), a
6 misdemeanor.

7
8 7.

9 On June 9, 2005, in the Superior Court of California,
10 County of Orange, in Case No 05WM02912, respondent was convicted
11 upon a guilty plea to one count of violating Vehicle Code Section
12 23103(a) ("wet" reckless), a misdemeanor.

13
14 8.

15 The crimes set forth in Paragraphs 2 through 6, by
16 their facts and circumstances, are substantially related under
17 Section 2910(a)(11), Chapter 6, Title 10 of the California Code
18 of Regulations, to the qualifications, functions or duties of a
19 real estate licensee.

20
21 9.

22 These crimes constitute cause for denial of
23 respondent's application for a real estate license under Code
24 Section 480(a).

25
26 10.

27 Respondent's failure to reveal the conviction set forth
in Paragraph 3, above, constitutes an attempt to procure a real
estate license by fraud, misrepresentation or deceit or by

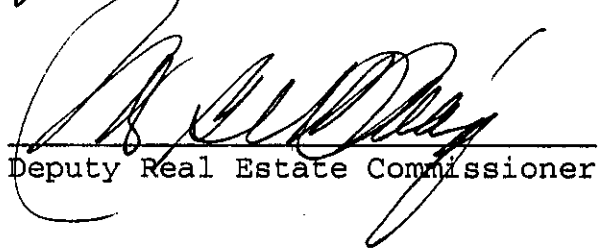
1 knowingly making a false statement of fact on his application
2 required to be revealed in the application for such license,
3 which is cause for denial of respondent's application for a real
4 estate salesperson's license under Business and Professions Code
5 Sections 475(a), 480(c) and/or 10177(a).

6 These proceedings are brought under the provisions of
7 Section 10100, Division 4 of the California Business and
8 Professions Code and Sections 11500 through 11529 of the
9 California Government Code.

10 WHEREFORE, the Complainant prays that above-entitled
11 matter be set for hearing and, upon proof of the charges
12 contained herein, that the Commissioner refuse to authorize the
13 issuance of, and deny the issuance of, a real estate salesperson
14 license to respondent ERIC FUNDNER, and for such other and
15 further relief as may be proper in the premises.
16

17 Dated at Los Angeles, California

18 this *30th* day of *September* 2005.

19
20 
21 Deputy Real Estate Commissioner

22
23
24
25 cc: Eric C. Fundner
26 Maria Suarez
27 Sacto
CHB