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FILED

MAY 14 2012

DEPARTMENT OF REAL ESTATE
BY: *[Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

11 In the Matter of the Application of) No. H- 38138 LA
12 KRISTIN MARIE DUNCAN,) STATEMENT OF ISSUES
13 Respondent.)
14 _____)

15 The Complainant, Maria Suarez, a Deputy Real Estate
16 Commissioner of the State of California, acting in her official
17 capacity, for Statement of Issues against KRISTIN MARIE DUNCAN
18 aka Kristin Arie Duncan ("Respondent") alleges as follows:

19 1.

20 On or about August 1, 2011, Respondent made
21 application to the Department of Real Estate of the State of
22 California for a real estate salesperson license.

23
24 (CRIMINAL CONVICTIONS)

25 2.

26 On or about March 15, 1995, in the Superior Court of
27 California, County of Orange, Case No. 94WF1055, Respondent was

1 convicted of violating California Vehicle Code Section 20001(a)
2 (hit and run with death or injury to another person), a
3 misdemeanor. Said crime bears a substantial relationship to the
4 qualifications, functions, or duties of a real estate licensee
5 under Section 2910, Title 10, Chapter 6, California Code of
6 Regulations.

7 3.

8 On or about December 26, 1995, in the Municipal Court
9 of West Orange County Judicial District, California, Case No.
10 SHW95WM10962, Respondent was convicted of violating California
11 Health and Safety Code Sections 11377(a) (possession of a
12 controlled substance) and 11364 (possession of paraphernalia
13 used for unlawful controlled substances), both misdemeanors.
14 Said crimes bear a substantial relationship to the
15 qualifications, functions, or duties of a real estate licensee
16 under Section 2910, Title 10, Chapter 6, California Code of
17 Regulations.

18 4.

19 On or about May 3, 1996, in the Municipal Court of
20 West Orange County Judicial District, California, Case No.
21 WEW95WM00476, Respondent was convicted of violating California
22 Health and Safety Code Section 11364 (possession of
23 paraphernalia used for unlawful controlled substances), a
24 misdemeanor. Said crime bears a substantial relationship to the
25 qualifications, functions, or duties of a real estate licensee
26 under Section 2910, Title 10, Chapter 6, California Code of
27 Regulations.

1 5.

2 On or about July 10, 2007, in the Superior Court of
3 California, County of Orange, Case No. 07WF1221 F A, Respondent
4 was convicted of violating California Health and Safety Code
5 Section 11350 (possession of a controlled substance), a felony,
6 California Health and Safety Code Section 11364 (possession of
7 controlled substance paraphernalia), a misdemeanor, and
8 California Business and Professions Code Section 4060
9 (possession of a controlled substance without prescription), a
10 misdemeanor. Said crimes bear a substantial relationship to the
11 qualifications, functions, or duties of a real estate licensee
12 under Section 2910, Title 10, Chapter 6, California Code of
13 Regulations.

14 6.

15 On or about July 30, 2007, in the Superior Court of
16 California, County of Orange, Case No. 07HF1297, Respondent was
17 convicted of violating California Health and Safety Code Section
18 11377 (possession of a controlled substances), a misdemeanor.
19 Said crime bears a substantial relationship to the
20 qualifications, functions, or duties of a real estate licensee
21 under Section 2910, Title 10, Chapter 6, California Code of
22 Regulations.

23 7.

24 On or about July 30, 2007, in the Superior Court of
25 California, County of Orange, Case No. 07HF0394, Respondent was
26 convicted of violating California Health and Safety Code Section
27 11550(a) (under the influence of controlled substance), a

1 misdemeanor. Said crime bears a substantial relationship to the
2 qualifications, functions, or duties of a real estate licensee
3 under Section 2910, Title 10, Chapter 6, California Code of
4 Regulations.

5 8.

6 On or about September 12, 2007, in the Superior Court
7 of California, County of Orange, Case No. 07WF2080, Respondent
8 was convicted of violating California Health and Safety Code
9 Sections 11377(a) (possession of a controlled substance), a
10 felony, and 11364 (possession of controlled substance
11 paraphernalia), a misdemeanor. Said crimes bear a substantial
12 relationship to the qualifications, functions, or duties of a
13 real estate licensee under Section 2910, Title 10, Chapter 6,
14 California Code of Regulations.

15 9.

16 The crimes of which Respondent was convicted as
17 alleged in Paragraphs 2 through 8, herein, constitute cause for
18 denial of Respondent's application for a real estate license
19 under California Business and Professions Code Sections
20 475(a)(2), 480(a), and 10177(b).

21
22 (FAILURE TO REVEAL CONVICTIONS)

23 10.

24 In response to Question 23 of her license application,
25 to wit: "HAVE YOU EVER BEEN CONVICTED OF A MISDEMEANOR OR
26 FELONY? CONVICTIONS EXPUNGED UNDER PENAL CODE SECTION 1203.4
27 MUST BE DISCLOSED. HOWEVER, YOU MAY OMIT MINOR TRAFFIC

1 CITATIONS WHICH DO NOT CONSTITUTE A MISDEMEANOR OR FELONY. IF
2 YES, COMPLETE ITEM 27," Respondent answered "Yes," but failed to
3 reveal the conviction described in Paragraphs 3 and 4, herein.

4 11.

5 Respondent's failure to reveal these convictions in
6 her license application constitutes knowingly making a false
7 statement of material fact required to be revealed in said
8 application, which is grounds for denial of the issuance of a
9 license under California Business and Professions Code Sections
10 475(a)(1), 480(c), and 10177(a).

11
12 (PRIOR LICENSE APPLICATION DENIAL)

13 12.

14 On or about October 22, 1999, in the Matter of the
15 Commission as a Notary Public of Kristin Duncan, in case no.
16 1999-0374-AD, the Secretary of State of the State of California
17 denied Respondent's application for appointment as a notary
18 public, which Respondent filed on or about December 13, 1998.
19 As more fully set forth in the Decision for the above-mentioned
20 case, the Office of the Secretary of State established that
21 grounds existed for the denial of Respondent's application for
22 her violation of California Government Code Section 8214.1(a)
23 (material misstatement or omission in a notary public
24 application; TO WIT, failure to reveal criminal convictions).

25 13.

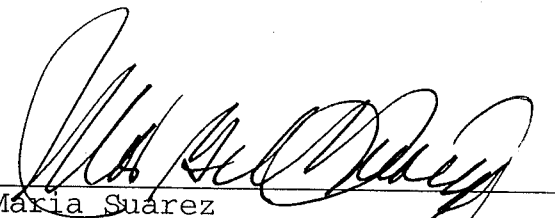
26 The prior license action against Respondent as alleged
27 in Paragraph 12, above, constitutes cause for denial of

1 Respondent's application for a real estate license under
2 California Business and Professions Code Section 10117(f).

3 These proceedings are brought under the provisions of
4 Section 10100, Division 4 of the Business and Professions Code
5 of the State of California and Sections 11500 through 11528 of
6 the California Government Code.

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

14 Dated at Los Angeles, California: April 12,
15 2012.

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19 
20 Maria Suarez
21 Deputy Real Estate Commissioner
22
23
24

25 cc: KRISTIN MARIE DUNCAN
26 James Leo Duncan
27 Maria Suarez
Sacto