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FILED

APR 08 2016
BUREAU OF REAL ESTATE
By John Garcia

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8 BEFORE THE BUREAU OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of) CalBRE No. H- 40198 LA
12 JULIE LYNN EVERLY,) STATEMENT OF ISSUES
13 Respondent.)

14 The Complainant, Maria Suarez, a Supervising Special Investigator of the State of
15 California, for Statement of Issues in her official capacity against JULIE LYNN EVERLY
16 (“Respondent”), is informed and alleges as follows:

17 1.

18 From March 8, 1990 through September 9, 1991, Respondent held a prior real estate
19 salesperson issued by the Bureau of Real Estate of the State of California (“Bureau”), License ID
20 01067128. Respondent’s prior salesperson license was conditionally suspended on September 9,
21 1991 for failure to comply with educational requirements pursuant to Business and Professions
22 Code Section 10153.4. Respondent’s prior salesperson license expired on March 7, 1994.

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1 2.

2 On or about September 9, 2014, Respondent made application to the Bureau for a real
3 estate salesperson license.

4 CAUSES FOR DENIAL

5 (Conviction)

6 3.

7 On or about May 10, 2001, before the Superior Court of California, Los Angeles County,
8 in Case No. 1PN01972, Respondent pled nolo contendere to and was convicted of violating
9 California Penal Code section 529.3 (falsely personate another through an electronic
10 communication with the intent to make the recipient of the communication believe that it is from
11 the person falsely personated and with the intent to injure or defraud another), a misdemeanor.
12 Respondent was sentenced to three years summary probation, with certain terms and conditions
13 including three days jail with credit for time served, 450 hours of Caltrans service, payment of
14 fines, and payment of restitution to the victim.

15 4.

16 The conviction alleged above in Paragraph 3 and the circumstances surrounding said
17 conviction are substantially related under Title 10, Chapter 6, Section 2910, California Code of
18 Regulations, to the qualifications, functions or duties of a real estate licensee.

19 5.

20 The crime of which Respondent was convicted as alleged above in Paragraph 3, and the
21 circumstances surrounding said conviction, constitute cause for the denial of Respondent's
22 application for a real estate salesperson license under Business and Professions Code Sections
23 475(a)(2), 475(a)(3), 480(a)(1), and 10177(b).

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1 (Failure to Disclose)

2 6.

3 In Respondent's real estate salesperson Exam/License Application of September 9, 2014,
4 Part D-Background Information, Question 1, to wit, "HAVE YOU EVER BEEN CONVICTED
5 OF ANY VIOLATION OF THE LAW? ALL STATE AND FEDERAL MISDEMEANOR
6 AND FELONY CONVICTIONS, AND ALL MILITARY AND FOREIGN CONVICTIONS,
7 MUST BE DISCLOSED. CONVICTIONS EXPUNGED UNDER PENAL CODE SECTION
8 1203.4 OR A SIMILAR STATUTE MUST STILL BE DISCLOSED", Respondent marked the
9 box denoted "No" and failed to disclose the conviction described above in Paragraph 3.

10 7.

11 Respondent's failure to disclose the conviction, as set forth above in Paragraphs 3 and 6,
12 constitutes the attempt to procure a real estate license by fraud, misrepresentation, or deceit, or
13 by making a false statement of material fact required to be revealed in said application, which is
14 grounds for denial of the issuance of a license under Business and Professions Code Sections
15 475(a)(1), 480(a)(2), and 10177(a).

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

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