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FILED

MAR 23 2018
BUREAU OF REAL ESTATE

By 

9 **BEFORE THE BUREAU OF REAL ESTATE**
10 **STATE OF CALIFORNIA**

11 * * *

12 In the Matter of the Application of) No. H-40983 LA
13 SANDY EMILY BENITES,) STATEMENT OF ISSUES
14 Respondent.)
15)

16 The Complainant, Brenda Smith, a Supervising Special Investigator of the State
17 of California, for Statement of Issues against SANDY EMILY BENITES ("Respondent"), is
18 informed and alleges as follows:

19 1.

20 The Complainant, Brenda Smith, acting in her official capacity as a Supervising
21 Special Investigator of the State of California, makes this Statement of Issues against SANDY
22 EMILY BENITES.

23 2.

24 On or about March 13, 2017, Respondent made application to the Bureau of
25 Real Estate of the State of California for a real estate salesperson license.

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1 FIRST CAUSE FOR DENIAL

2 (CONDUCT UNDERLYING CRIMINAL CONVICTION)

3 3.

4 On or about March 17, 2008, Respondent pled nolo contendere and was
5 convicted in the Superior Court of California, County of Kern, Case No. BM726112A, for
6 violation of California Penal Code Section 487(b)(3) (Grand Theft By A Servant, Agent, Or
7 Employee), a misdemeanor. Respondent was placed on three years of court probation, and
8 ordered to serve 30 days in jail and pay restitution, fines and fees.

9 4.

10 The conduct underlying the conviction described in Paragraph 3 bears a
11 substantial relationship under Section 2910, Title 10, Chapter 6, California Code of Regulations
12 to the qualifications, functions or duties of a real estate licensee.

13 5.

14 The conduct underlying the conviction described in Paragraph 3 above involves
15 dishonesty, fraud, or deceit, which constitutes cause for denial of Respondent's application for a
16 real estate license under Business and Professions Code Sections 475(a)(3), 480(a)(2), and
17 10177(j).

18 SECOND CAUSE FOR DENIAL

19 (FAILURE TO REVEAL CONVICTION ON LICENSE APPLICATION)

20 6.

21 In response to Question 28, under the Background Information section of her
22 license application, to wit, "HAVE YOU EVER BEEN CONVICTED (SEE PARAGRAPH
23 ABOVE) OF ANY VIOLATION OF THE LAW AT THE MISDEMEANOR OR FELONY
24 LEVEL? IF YES, COMPLETE ITEM 34 WITH INFORMATION ON EACH
25 CONVICTION", Respondent answered "NO," and failed to disclose the conviction described
26 in Paragraph 3 above.

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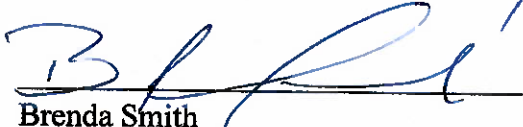
Respondent's failure to reveal this conviction, as set forth in Paragraph 3 above, in her license application constitutes an attempt to procure a real estate license by fraud, misrepresentation, or deceit, or by making a false statement of material fact required to be revealed in said application, which is grounds for denial of the issuance of a license under California Business and Professions Code Sections 475(a)(1), 480(d), and 10177(a).

8.

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

WHEREFORE, the Complainant prays that the above-entitled matter be set for hearing and, upon proof of the charges contained herein, that the Commissioner refuse to authorize the issuance of, and deny the issuance of, a real estate salesperson license to Respondent SANDY EMILY BENITES and for such other and further relief as may be proper under other applicable provisions of law.

Dated at Fresno, California
this 6 day of March, 2018


Brenda Smith
Supervising Special Investigator

cc: SANDY EMILY BENITES
Brenda Smith
Sacto.