

FILED

NOV 15 2019

DEPT. OF REAL ESTATE
By *Carla Selous*

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7
8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of) No. H- 41543 LA
12)
13 AMANDA MICHELE MILLER,) STATEMENT OF ISSUES
14)
15 Respondent.)

16 The Complainant, Maria Suarez, a Supervising Special Investigator of the State
17 of California, acting in her official capacity, for Statement of Issues against AMANDA
18 MICHELE MILLER ("Respondent") alleges as follows:

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20 On or about August 21, 2018, Respondent made application to the Department
21 of Real Estate of the State of California for a real estate salesperson license.

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1 FIRST CAUSE OF ACTION

2 (CRIMINAL CONVICTIONS)

3 2.

4 On or about August 1, 2006, in the Superior Court of Arizona, County of
5 Maricopa, case no. CR2006-137060-001, Respondent was convicted of violating A.R.S.
6 sections 13-1203, 13-1204, 13-707, and 13-802 (aggravated assault), a misdemeanor. In part,
7 Respondent was sentenced to serve one (1) year of probation and pay various fines and fees.
8 Said crime bears a substantial relationship to the qualifications, functions, or duties of a real
9 estate licensee under Section 2910, Title 10, Chapter 6, California Code of Regulations.

10 3.

11 On or about September 10, 2010, in the Scottsdale City Court, State of Arizona,
12 case no. M-0751-CR-2010009661, Respondent was convicted of violating A.R.S. sections 13-
13 1203(A)(3) (assault) and 13-2904(A)(1) (disorderly conduct/disturbance), both misdemeanors.
14 In part, Respondent was sentenced to attend an alcohol education/treatment program and pay
15 various fines and fees. Said crimes bear a substantial relationship to the qualifications,
16 functions, or duties of a real estate licensee under Section 2910, Title 10, Chapter 6, California
17 Code of Regulations.

18 4.

19 On or about May 14, 2012, in the Justice Court, Las Vegas Township, County of
20 Clark, Nevada, case no. 11M45352X, Respondent was convicted of violating N.R.S. section
21 201.354 (soliciting prostitution), a misdemeanor. In part, Respondent was sentenced to attend
22 aid counseling. Said crime bears a substantial relationship to the qualifications, functions, or
23 duties of a real estate licensee under Section 2910, Title 10, Chapter 6, California Code of
24 Regulations.

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On or about October 3, 2012, in the Phoenix Municipal Court, State of Arizona, case no. 14357030, Respondent was convicted of violating A.R.S. section 28-1381(A)(1) (driving under the influence), a misdemeanor. In part, Respondent was sentenced to attend ten (10) days of Screening and Assessment Services (“SAS”) counseling and pay various fines and fees. Said crime bears a substantial relationship to the qualifications, functions, or duties of a real estate licensee under Section 2910, Title 10, Chapter 6, California Code of Regulations.

6.

On or about September 23, 2014, in the Superior Court of Arizona, County of Maricopa, case no. CR2013-446125-001, Respondent was convicted of violating A.R.S. sections 13-1001, 13-2510, 13-2512, 13-604, 13-701, 13-702, 13-707, 13-801, and 13-802 (attempted hindering prosecution), a felony. In part, Respondent was sentenced to serve two (2) years of probation, complete 25 hours of community restitution, serve one (1) month in jail, and pay various fines and fees. Said crime bears a substantial relationship to the qualifications, functions, or duties of a real estate licensee under Section 2910, Title 10, Chapter 6, California Code of Regulations.

7.

On or about January 23, 2015, in the Scottsdale City Court, State of Arizona, case no. M-0751-SC-2014006444, Respondent was convicted of violating A.R.S. section 13-3214(A) (prostitution), a misdemeanor. In part, Respondent was sentenced to serve 30 days of confinement with 15 days suspended and 15 days served, serve probation for 11 months, and pay various fines and fees. Said crime bears a substantial relationship to the qualifications, functions, or duties of a real estate licensee under Section 2910, Title 10, Chapter 6, California Code of Regulations.

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1 8.

2 The crimes of which Respondent was convicted as alleged above constitute
3 cause for denial of Respondent's application for a real estate license under California Business
4 and Professions Code sections 475(a)(2), 480(a), and 10177(b).

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6 SECOND CAUSE OF ACTION
7 (FAILURE TO REVEAL CONVICTIONS)

8 9.

9 In response to Question 28 of her license application, to wit: "HAVE YOU
10 EVER BEEN CONVICTED (SEE PARAGRAPH ABOVE) OF ANY VIOLATION OF THE
11 LAW AT THE MISDEMEANOR OR FELONY LEVEL? IF YES, COMPLETE ITEM 34
12 WITH INFORMATION ON EACH CONVICTION," Respondent answered, "Yes," but failed
13 to reveal the convictions described in Paragraphs 3, 4, and 5, above.

14 10.

15 Respondent's failure to reveal these convictions in her license application
16 constitutes knowingly making a false statement of material facts required to be revealed in said
17 application, which is grounds for denial of the issuance of a license under California Business
18 and Professions Code sections 475(a)(1), 480(d), and 10177(a).

19 These proceedings are brought under the provisions of Section 10100, Division
20 4 of the Business and Professions Code of the State of California and Sections 11500 through
21 11528 of the California Government Code.

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

6 Dated at Los Angeles, California: 13 November, 2019.

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10 Maria Suarez
11 Supervising Special Investigator
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25 cc: AMANDA MICHELE MILLER
26 Valerie Ann Fitzgerald
27 Maria Suarez
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