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FILED

SEP 08 2016

BUREAU OF REAL ESTATE

By B. Nicholas

8 BEFORE THE BUREAU OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of:)

12 ROBERT CHASE FONTAINE)

13 Respondent.)

No. H- 12011 SF

STATEMENT OF ISSUES

14 _____)
15 The Complainant, ROBIN S. TANNER, acting in her official capacity as a
16 Supervising Special Investigator of the State of California, brings this Statement of Issues
17 against ROBERT CHASE FONTAINE ("Respondent"), and is informed and alleges as follows:

18 1

19 Respondent made application to the Bureau of Real Estate of the State of
20 California for a real estate salesperson license on or about January 20, 2015.

21 FAILURE TO DISCLOSE CONVICTION

22 2

23 In response to Part D, Question 1 of said application, to wit: "HAVE YOU EVER
24 BEEN CONVICTED OF ANY VIOLATION OF THE LAW? ALL STATE AND FEDERAL
25 MISDEMEANOR AND FELONY CONVICTIONS, AND ALL MILITARY AND FOREIGN
26 CONVICTIONS, MUST BE DISCLOSED. CONVICTIONS EXPUNGED UNDER PENAL

27 ///

1 CODE SECTION 1203.4 OR A SIMILAR STATUTE MUST STILL BE DISCLOSED,”
2 Respondent concealed and failed to disclose the conviction described below in Paragraph 4.

3 CRIMINAL CONVICTION

4 3

5 On or about July 27, 2015, in the United States District Court, Middle District of
6 Florida Jacksonville Division, Case No. 3: 12-cr-131(S1)-J-99TJC-JBT, Respondent was
7 convicted of violating Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(C) and 846
8 (conspiracy to manufacture/cultivate marijuana plants and to distribute and to possess with
9 intent to distribute marijuana), a felony which bears a substantial relationship under section
10 2910, title 10, California Code of Regulations (“the Regulations”), to the qualifications,
11 functions, or duties of a real estate licensee.

12 DISHONEST DEALINGS

13 4

14 On or about August 23, 2006, in the Commonwealth of Virginia, General District
15 Court Criminal Division, Case No. C06-7285, Respondent violated Section 18.2-103 of the
16 Code of Virginia (shoplifting/larceny), a misdemeanor which bears a substantial relationship to
17 the qualifications, functions, or duties of a real estate licensee.

18 GROUND FOR DENIAL

19 5

20 Respondent’s criminal conviction, as described above in Paragraph 3, constitutes
21 grounds under Business and Professions Code (“the Code”) Sections 480(a) and 10177(b)
22 (crime that is substantially related) for the denial of Respondent’s application for a real estate
23 license.

24 6

25 The facts alleged above in Paragraph 4 constitute dishonest dealing which is
26 cause for denial of Respondent’s application for a real estate salesperson license pursuant to the
27 provisions of section 480(a)(2) and 10177(j) (fraud or dishonest acts) of the Code.

Respondent's failure to disclose the criminal conviction, as described above in Paragraph 4, constitutes grounds under sections 480(d) and 10177(a) of the Code (attempt to procure a real estate license by fraud, misrepresentation, or deceit, or by making a material misstatement of fact in an application for a real estate license) for denial of Respondent's application for a real estate license.

WHEREFORE, 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, and for such other and further relief as may be proper under other provisions of law.



ROBIN S. TANNER
Supervising Special Investigator

Dated at Oakland, California,
this 18th day of September, 2016.

DISCOVERY DEMAND

Pursuant to Sections 11507.6, *et seq.* of the *Administrative Procedure Act*, the Bureau hereby makes demand for discovery pursuant to the guidelines set forth in the *Administrative Procedure Act*. Failure to provide Discovery to the Bureau may result in the exclusion of witnesses and documents at the hearing or other sanctions that the Office of Administrative Hearings deems appropriate.