

FILED

April 16, 2013

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DEPARTMENT OF REAL ESTATE

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7
8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

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11 In the Matter of the Accusation of)
12 HERMAN MICHAEL COVARRUBIAS,) H-5981 SAC
13 Respondent.) ACCUSATION
14)

15 The Complainant, TRICIA D. SOMMERS, a Deputy Real Estate Commissioner
16 of the State of California, for cause of Accusation against HERMAN MICHAEL
17 CAVARRUBIAS (Respondent), is informed and alleges as follows:

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19 Complainant makes this Accusation against Respondent in her official capacity.

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21 Respondent is presently licensed and/or has license rights under the Real Estate
22 Law, Part 1 of Division 4 of the Business and Professions Code (the Code) as a real estate
23 broker.

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25 On or about May 4, 2009, in the Superior Court of the State of California, County
26 of Santa Clara, Case no. 211048, Respondent was convicted of 2 counts of violating Section
27 470(d) of the California Penal Code (Forgery Instrument Other Than Check), and 19 counts of

1 violating Section 484/487(a) of the California Penal Code (Grand Theft), with enhancements
2 pursuant to Section 186.11(a) (1)/(a) (2) of the California Penal Code (Multiple Fraud
3 Convictions) and Section 12022.6(a) (4) of the California Penal Code (Damages Arising Out Of
4 Felony Exceeding \$3.2 Million), each a felony and crime which bear a substantial relationship
5 under Section 2910, Title 10, California Code of Regulations, to the qualifications, functions, or
6 duties of a real estate licensee.

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8 On or about July 25, 2012, the Court of Appeal of the State of California, Sixth
9 Appellate Division, Case No. H 034263, the Court, after hearing an appeal of Case No. 211048,
10 set forth above, vacated the Trial Court's amended judgment awarding additional conduct credits
11 and reinstated the original judgment.

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13 The facts alleged in Paragraph 3 and 4, above, constitute cause under Section
14 10177(b) (Further Grounds for Disciplinary Action-Conviction of Crime) and Section 490
15 (Conviction Substantially Related Crime) of the Code for suspension or revocation of
16 Respondent's license under the Real Estate Law.

17 6

18 Section 10106 of the Code provides, in pertinent part, that in any order issued
19 in resolution of a disciplinary proceeding before the department, the commissioner may request
20 the administrative law judge to direct a licensee found to have committed a violation of this part
21 to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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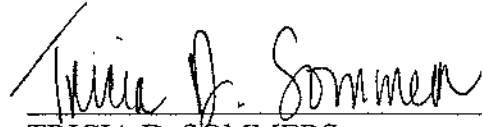
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1 WHEREFORE, Complainant prays that a hearing be conducted on the allegations
2 of this Accusation and that upon proof thereof, a Decision be rendered imposing disciplinary
3 action against all licenses and license rights of Respondent under the Code, for the reasonable
4 cost of investigation and prosecution of this case, including agency attorney's fees and for such
5 other and further relief as may be proper under provisions of law.

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9 TRICIA D. SOMMERS
10 Deputy Real Estate Commissioner

11 Dated at Sacramento, California
12 this 11th day of April, 2013.

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