

FILED

MAY 27 2015

BUREAU OF REAL ESTATE

By S. Black

JOHN W. BARRON, Counsel (SBN 171246)
Bureau of Real Estate
P. O. Box 137007
Sacramento, CA 95813-7007

Telephone: (916) 263-8670 (main)
(916) 263-8680 (direct)

BEFORE THE
BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of

DONALD V. TOTTEN,

Respondent.

NO. H-11844 SF

ACCUSATION

The Complainant, ROBIN S. TANNER, in her official capacity as a Deputy
Real Estate Commissioner of the State of California, for cause of Accusation against
DONALD V. TOTTEN ("Respondent"), is informed and alleges as follows:

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Respondent is presently licensed and/or has license rights under the Real Estate
Law, Part 1 of Division 4 of the Business and Professions Code ("the Code") as a real estate
salesperson whose license expired on May 3, 2014.

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On or about October 28, 2014, in the United States District Court, Southern
District of California, Case No. 13CR2941 MMA, Respondent was convicted of two counts of
18 U.S. Code §1349 (conspiracy to commit wire fraud affecting a financial institution), and 26
U.S. Code §7206(a) (filing false income tax return), felonies and crimes which bear a

1 substantial relationship under Section 2910, Title 10, California Code of Regulations (the
2 "Regulations"), to the qualification, functions, or duties of a real estate licensee.

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4 On or about October 28, 2014, in the United States District Court, Southern
5 District of California, Case No. 14CR0487 MMA, Respondent was convicted of 18 U.S. Code
6 §152 (conceal assets, false oath and claims bribery), a felony and a crime which bears a
7 substantial relationship under Section 2910 of Regulations, to the qualification, functions, or
8 duties of a real estate licensee.

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10 The facts alleged in Paragraphs 2 and 3, above, constitute cause under Sections
11 490 (conviction of crime) and 10177(b) (conviction of crime) of the Code for suspension or
12 revocation of all licenses and license rights of Respondent under the Real Estate Law.

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14 Respondent failed to notify the Bureau of Real Estate within thirty (30) days of
15 the conviction set forth in Paragraphs 2 and 3, above. Such acts and/or omissions by Respondent
16 violate Section 10186.2 (reporting requirements) of the Code, and constitute cause under
17 Section 10177(d) (willful disregard of Real Estate Law) of the Code for suspension or revocation
18 of all licenses and license rights of Respondent under the Real Estate Law.

19 COST RECOVERY


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21 Section 10106 of the Code provides, in pertinent part, that in any order issued in
22 resolution of a disciplinary proceeding before the Bureau of Real Estate, the Real Estate
23 Commissioner may request the Administrative Law Judge to direct a licensee found to have
24 committed a violation of this part to pay a sum not to exceed the reasonable costs of the
25 investigation and enforcement of the case.

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1 WHEREFORE, Complainant prays that a hearing be conducted on the
2 allegations of this Accusation and that upon proof thereof, a decision be rendered imposing
3 disciplinary action against all licenses and license rights of Respondent under the Code, and for
4 such other and further relief, including reasonable investigation and enforcement costs, as may
5 be proper under the provisions of law.
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10 ROBIN S. TANNER
11 Deputy Real Estate Commissioner

12 Dated at Oakland, California,

13 this 21st day of May, 2015.
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