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FILED

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DEPARTMENT OF REAL ESTATE

By K. Knapp

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 MICHAEL ANTHONY NAVONE,) No. H-12309 SF
13 Respondent.) ACCUSATION
14)

15 The Complainant, ROBIN S. TANNER, acting in her official capacity as a
16 Supervising Special Investigator of the State of California, for this Accusation against
17 MICHAEL ANTHONY NAVONE ("Respondent"), is informed and alleges as follows:

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

21 CRIMINAL CONVICTION

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23 On or about June 27, 2018, in the United States District Court, Northern District
24 of California, Case No. 3:14-cr-00804-CRB, Respondent was convicted of two counts of
25 violating Section 1 (bid rigging), Title 15, of the United States Code, felonies and crimes that
26 bear a substantial relationship to the qualifications, functions or duties of a real estate licensee
27 pursuant to Section 2910, Title 10, of the California Code of Regulations.

1 FAILURE TO NOTIFY DEPARTMENT OF CRIMINAL CONVICTION

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3 On August 29, 2018, a diligent search was made of the records of the Department
4 of Real Estate ("Department") relating to Respondent's real estate broker license No. 01059632.
5 No record or written notice was received from Respondent notifying the Department, in writing,
6 of any arrest, conviction, indictment or license disciplinary action.

7 GROUND FOR DISCIPLINE

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9 The facts alleged in Paragraph 2, above, constitute cause under Sections 490
10 (conviction of substantially related crime), 10177(b) (conviction of substantially related crime),
11 and 10177(j) (fraud or dishonest dealing) of the Code for the suspension or revocation of all
12 licenses and license rights of Respondent under the Real Estate Law.

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14 Respondent's failure to report the conviction to the Department, as described in
15 paragraph 3, above, violates Section 10186.2 (a) (conviction reporting requirements) of the Code,
16 and constitutes cause under Section 10177(d) (willful disregard or violation of Real Estate Law)
17 of the Code for suspension or revocation of all licenses and license rights of Respondent under
18 the Real Estate Law.

19 COST RECOVERY

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21 The Department will seek to recover cost of the investigation and prosecution of
22 this case pursuant to section 10106 of the Code which provides, in pertinent part, that in any
23 order issued in resolution of a disciplinary proceeding before the Department, the Commissioner
24 may request the administrative law judge to direct a licensee found to have committed a violation
25 of this part to pay a sum not to exceed the reasonable costs of the investigation and enforcement
26 of the case.

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1 WHEREFORE, Complainant prays that a hearing be conducted on the allegations of
2 this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action
3 against all licenses and license rights of Respondent under the Real Estate Law, for the cost of
4 investigation and enforcement as permitted by law, and for such other and further relief as may
5 be proper under other provisions of law.

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8 ROBIN S. TANNER
9 Supervising Special Investigator

10 Dated at Oakland, California,

11 this 15th day of October, 2018.

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14 DISCOVERY DEMAND

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