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FILED

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DEPARTMENT OF REAL ESTATE
By *S. Knapp*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12) No. H-12318 SF
13 JOHN STEPHEN SHIELLS,)
14 Respondent.) ACCUSATION

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 JOHN
17 STEPHEN SHIELLS ("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 2

22 On or about December 1, 2017, in the United States District Court, Northern
23 District of California, Case No. 4:14-cr-00581-PJH, Respondent was convicted of three counts of
24 violating Section 1 (bid rigging), Title 15, of the United States Code, felonies and crimes that
25 bear a substantial relationship to the qualifications, functions or duties of a real estate licensee
26 pursuant to Section 2910, Title 10, of the California Code of Regulations.

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On August 10, 2018, a diligent search was made of the records of the Department of Real Estate ("Department") relating to Respondent's real estate broker license No. 00576399. No record or written notice was received from Respondent notifying the Department, in writing, of any arrest, conviction, indictment or license disciplinary action.

GROUND FOR DISCIPLINE

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

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

MATTER IN AGGRAVATION

Effective June 23, 2014, in Case No. H-11569.SF, before the Bureau of Real Estate, Respondent's broker license was disciplined pursuant to a Stipulation and Agreement.

COST RECOVERY

The Department will seek to recover costs of the investigation and enforcement of this case pursuant to Section 10106 of the Code which provides, in pertinent part, that in any order issued in resolution of a disciplinary proceeding before the Department, the Commissioner may request the administrative law judge to direct a licensee found to have committed a violation

1 of this part to pay a sum not to exceed the reasonable costs of the investigation and enforcement
2 of the case.

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

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10 ROBIN S. TANNER
11 Supervising Special Investigator

12 Dated at Oakland, California,
13 this 16th day of October, 2018.

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16 DISCOVERY DEMAND

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