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FILED

DEC 19 2018

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DEPARTMENT OF REAL ESTATE
By *L. Knapp*

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

11	In the Matter of the Accusation of)	
12)	No. H-12318 SF
13	JOHN STEPHEN SHIELLS,)	
14)	<u>FIRST AMENDED</u>
	Respondent.)	<u>ACCUSATION</u>

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.

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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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 GROUNDS FOR DISCIPLINE

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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.

 MATTER IN AGGRAVATION

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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.

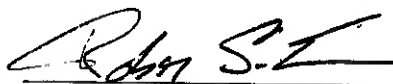
 COST RECOVERY

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

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

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ROBIN S. TANNER
Supervising Special Investigator

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Dated at Oakland, California,
this 13th day of December, 2018.

DISCOVERY DEMAND

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