

1 KYLE T. JONES, Counsel (SBN 300751)  
2 Department of Real Estate  
3 P.O. BOX 137007  
4 Sacramento, CA 95813-7007

5 Telephone: (916) 576-8700  
6 (916) 263-3767 (Fax)  
7 (916) 576-7840 (Direct)

**FILED**

MAY 19 2021

DEPARTMENT OF REAL ESTATE

By *J. Jaggard*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )  
12 ) No. H-12545 SF  
13 ANDREW DESMOND, )  
14 Respondent. ) ACCUSATION

15 The Complainant, STEPHANIE YEE, acting in her official capacity as a  
16 Supervising Special Investigator of the State of California, for this Accusation against ANDREW  
17 DESMOND ("Respondent"), is informed and alleges as follows:

18 1

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

22 2

23 On or about October 10, 2019, in the Superior Court of the State of California,  
24 County of Contra Costa, Case No. 1-180214-9, Respondent was convicted of violating Section  
25 243(b) (battery of a peace officer) of the California Penal Code, a misdemeanor and a crime that  
26 bears 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.

On February 18, 2021, a diligent search was made of the records of the Department of Real Estate ("Department") relating to Respondent's real estate salesperson license No. 01867520. No record or written notice was received within 30 days from Respondent notifying the Department, in writing, of any felony charge, conviction, or license disciplinary action.

GROUND FOR DISCIPLINE

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

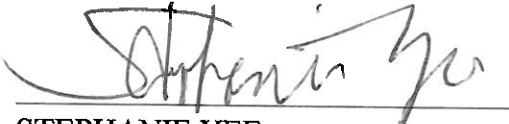
Respondent's failure to report the conviction to the Department, as described in Paragraph 3, above, violates Section 10186.2 (a) (conviction reporting requirements) of the Code, and constitutes cause under Section 10177(d) (willful disregard or violation of Real Estate Law) of the Code for the suspension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

COST RECOVERY

The Department will seek to recover the costs of the investigation and prosecution 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.

///

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 Real Estate Law, for the  
4 cost of investigation and enforcement as permitted by law, and for such other and further relief as  
5 may be proper under other provisions of law.

6  
7   
8 STEPHANIE YEE  
9 Supervising Special Investigator

10 Dated at Oakland, California,  
11 this 17<sup>th</sup> day of May, 2021.  
12

13  
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.  
20  
21  
22  
23  
24  
25  
26  
27