

1 Kevin H. Sun, Counsel (SBN 276539)
2 Department of Real Estate
3 320 West 4th Street, Suite 350
4 Los Angeles, California 90013-1105
5 Telephone: (213) 576-6982
6 Fax: (213) 576-6917
7 Email: Kevin.Sun@dre.ca.gov
8 *Attorney for Complainant*

FILED
JUL 26 2019
DEPT. OF REAL ESTATE
By *[Signature]*

9 BEFORE THE DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of) No. H-41434 LA
13 HECTOR FLORES RODRIGUEZ,) ACCUSATION
14 Respondent.)
15)

16 The Complainant, Veronica Kilpatrick, a Supervising Special
17 Investigator of the State of California, for cause of Accusation against HECTOR FLORES
18 RODRIGUEZ (“Respondent”) alleges as follows:

19 1.

20 The Complainant, Veronica Kilpatrick, a Supervising Special Investigator of the
21 State of California, makes this Accusation in her official capacity.

22 2.

23 All references to the “Code” are to the California Business and Professions Code
24 and all references to “Regulations” are to Title 10, Chapter 6, California Code of Regulations.

25 ///

26 ///

27 ///

ACCUSATION

1 LICENSE HISTORY

2 3.

3 a. Respondent is presently licensed and/or has license rights under the Real
4 Estate Law, Part 1 of Division 4 of the California Business and Professions Code, as a real
5 estate broker ("REB"), Department of Real Estate¹ ("Department") license ID 012266425.

6 b. The Department originally issued Respondent's REB license on or about July
7 1, 2002.

8 c. Respondent's license is scheduled to expire on January 3, 2023.

9 d. On or about January 4, 2019, Respondent submitted his Broker Renewal
10 Application to the Department for the renewal of his broker's license.

11 CAUSE FOR DISCIPLINE

12 (CRIMINAL CONVICTION)

13 4.

14 August 2, 2018: Vehicle Code ("VC") Sections 4463(a)(1) and 12500(a) – Misdemeanors

15 a. On August 2, 2018, in the Superior Court of California, County of Riverside,
16 in Case No. BAM1803033, The People of the State of California vs. Hector Flores Rodriguez,
17 Respondent pled no contest to and was convicted for violations of VC Sections (1) 4463(a)(1)
18 (alter/forged a registration tag to and for a motor vehicle), a misdemeanor, and (2) 12500(a)
19 (driving without a valid driver's license), a misdemeanor. On the same date, VC Section
20 12500(a) was reduced to an infraction.

21 b. Also on August 2, 2018, the Court suspended the imposition of sentence and
22 placed Respondent on summary probation for 36 months under certain terms and conditions,
23 including, in part, 1 day jail and payment of fines and fees.

24 ///

25 ///

26
27 ¹ Between July 1, 2013 and July 1, 2018, the Department of Real Estate operated as the Bureau of Real Estate under the Department of Consumer Affairs.

1 5.

2 The crime of which Respondent was convicted, as set forth in Paragraph 4
3 above, by its facts and circumstances, bear substantial relationship under Section 2910, Title 10,
4 Chapter 6, California Code of Regulations to the qualifications, functions or duties of a real
5 estate licensee and constitutes cause under Code Sections 490 and 10177(b) for the suspension
6 and revocation of the license and license rights of Respondent under the Real Estate Law.

7 SECOND CAUSE FOR DISCIPLINE

8 (FAILURE TO REPORT)

9 6.

10 Respondent did not report in writing to the Department his BAM1803033
11 misdemeanor conviction within thirty (30) days of the conviction date (August 2, 2018).

12 7.

13 Respondent's failure to report his misdemeanor conviction constitutes cause for
14 discipline under Code Section 10186.2² of the license and license rights of Respondent under
15 the Real Estate Law.

16 THIRD CAUSE FOR DISCIPLINE

17 (FAILURE TO DISCLOSE CONVICTION)

18 8.

19 On or about January 4, 2019, Respondent submitted a renewal application for his
20 real estate broker's license. In response to Question 16, under "BACKGROUND
21 INFORMATION," of Respondent's license renewal application, to wit, "WITHIN THE SIX-
22 YEAR PERIOD PRIOR TO FILING THIS APPLICATION, HAVE YOU EVER BEEN
23 CONVICTED (SEE PARAGRAPH ABOVE) OF ANY VIOLATION OF THE LAW AT
24

25 ² Pursuant to Business and Professions Code 10186.2: (a)(1) A licensee shall report any of the following to the
26 department: (A) The bringing of an indictment or information charging a felony against the licensee. (B) The
27 conviction of the licensee, including any verdict of guilty, or plea of guilty or no contest, of any felony or
misdemeanor. (c) Any disciplinary action taken by another licensing entity or authority of this state or of another
state or an agency of the federal government. (2)The report required by this subdivision shall be made in writing
within 30 days of the date of the bringing of the indictment or the charging of a felony, the conviction, or the
disciplinary action. (b) Failure to make a report required by this section shall constitute a cause for discipline.

1 THE MISDEMEANOR OR FELONY LEVEL? IF YES, COMPLETE ITEM 22 WITH
2 INFORMATION ON EACH CONVICTION," Respondent marked "NO" and failed to
3 disclose his conviction as alleged in Paragraphs 4 above in Item 22 of his application.

4 9.

5 Respondent's failure to disclose his August 2, 2018 conviction, as set forth in
6 Paragraph 4 above, in his license renewal application constitutes an attempt to procure a real
7 estate license renewal by fraud, misrepresentation, or deceit, or by making a material
8 misstatement of fact in an application for license renewal, which is grounds for disciplinary
9 action under California Business and Professions Code Section 10177(a).

10 10.

11 These proceedings are brought under the provisions of Section 10100, Division
12 4 of the Business and Professions Code of the State of California and Sections 11500 through
13 11528 of the California Government Code.

14 COSTS

15 11.

16 Code Section 10106 provides, in pertinent part, that in any order issued in
17 resolution of a disciplinary proceeding before the Department, the Commissioner may request
18 the administrative law judge to direct a licensee found to have committed a violation of this part
19 to pay a sum not to exceed the reasonable costs of investigation and enforcement of the case.

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

PRAYER

1
2 WHEREFORE, Complainant prays that a hearing be conducted on the
3 allegations of this Accusation and that upon proof thereof, a decision be rendered imposing
4 disciplinary action against all licenses and/or license rights under the Real Estate Law (Part 1 of
5 Division 4 of the California Business and Professions Code) of Respondent HECTOR FLORES
6 RODRIGUEZ, for the cost of investigation and enforcement as permitted by law, and for such
7 other and further relief as may be proper under applicable provisions of law.

8
9 Dated at San Diego, California this 22 day of July, 2019.

10
11
12 
13 Veronica Kilpatrick
14 Supervising Special Investigator

15 cc: HECTOR FLORES RODRIGUEZ
16 Veronica Kilpatrick
17 Sacto.