

FILED

MAY 17 2016

BUREAU OF REAL ESTATE

By 

JUDITH VASAN, Counsel (SBN 278115)

Bureau of Real Estate
320 West 4th Street, Suite 350
Los Angeles, California 90013-1105

Telephone: (213) 576-6982
(Direct) (213) 576-6904

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of)	No. H-03012 FR
)	
JUAN MANUEL BUSTAMANTE, JR,)	<u>A C C U S A T I O N</u>
)	
Respondent.)	
_____)	

The Complainant, Brenda Smith, a Supervising Special Investigator of the State of California, for cause of Accusation against JUAN MANUEL BUSTAMANTE, JR, a.k.a. Juan M. Bustamante or Juan M. Bustamante, Jr, ("Respondent") alleges as follows:

1.

The Complainant, Brenda Smith, a Supervising Special Investigator of the State of California, makes this Accusation in her official capacity.

2.

Respondent presently has a suspended restricted license as a real estate salesperson and does not have rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code ("Code"). On or about July 13, 2012, in Case No.

ACCUSATION OF
JUAN MANUEL BUSTAMANTE, JR

1 H-02541 FR, Respondent was denied a real estate salesperson license. On or about July 27,
2 2012, Respondent was issued a restricted salesperson license pursuant to the Stipulation and
3 Waiver signed by Respondent and the Order signed by the Real Estate Commissioner
4 (“Commissioner”). On May 3, 2016, Respondent’s restricted license was suspended. The
5 Bureau of Real Estate (“Bureau”) retains jurisdiction over the suspended license, pursuant to
6 Code Section 10103.

7 (CRIMINAL CONVICTION)

8 3.

9 On or about April 3, 2015, in the Superior Court of California, County of Kern,
10 Case No. BM841869A, Respondent pled *nolo contendere* to and was convicted for violation of
11 California Vehicle Code Sections 23152(a) and 23546(a) (driving under the influence of
12 alcohol within 10 years of 2 separate DUI convictions), a misdemeanor. This conviction bears a
13 substantial relationship under Section 2910, Title 10, Chapter 6, California Code of Regulations
14 to the qualifications, functions or duties of a real estate licensee.

15 4.

16 In aggravation, on or about September 12, 2008, in the Superior Court of
17 California, County of Kern, Case No. LM087639A, Respondent pled *nolo contendere* to and
18 was convicted for violation of California Vehicle Code Sections 23152(a) and 23540 (driving
19 under the influence of alcohol within 10 years of a separate DUI conviction), a misdemeanor.

20 5.

21 In aggravation, on or about November 7, 2006, in the Superior Court of
22 California, County of Kern, Case No. LM076958A, Respondent pled *nolo contendere* to and
23 was convicted for violation of California Vehicle Code Section 14601.2(a) (driving when
24 privilege suspended or revoked for driving under the influence of alcohol), a misdemeanor.

25 ///

26 ///

27 ///

1 6.

2 The crime of which Respondent was convicted, as described in Paragraph 3
3 above, constitutes cause under Sections 490 and 10177(b) of the Code for the suspension or
4 revocation of the license and license rights of Respondent under the Real Estate Law.

5 (VIOLATION OF THE ORDER GRANTING RESTRICTED LICENSE)

6 7.

7 Pursuant to Section 10177(k) of the Code, the Commissioner may suspend or
8 revoke the license of a real estate licensee if the licensee has “[v]iolated any of the terms,
9 conditions, restrictions, and limitations contained in an order granting a restricted license.” The
10 Order, in Case No. H-02541 FR, granting Respondent a restricted license required Respondent
11 to “[n]otify the Real Estate Commissioner in writing within 72 hours of any arrest.” Respondent
12 failed to timely report the arrest that led to his April 3, 2015, conviction to the Bureau, which
13 constitutes a violation of the terms of the restricted license and cause under Section 10177(k) of
14 the Code for the suspension or revocation of Respondent’s restricted license under the Real
15 Estate Law.

16 8.

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

22 ///

23 ///

24 ///

25 ///

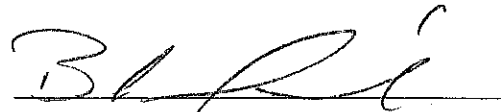
26 ///

27 ///

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

7
8 Dated at Fresno, California

9 this 12 day of May, 2016

10
11
12 
13 Brenda Smith
14 Supervising Special Investigator

15
16
17
18
19
20
21
22
23
24
25 cc: JUAN MANUEL BUSTAMANTE, JR
26 Marcus & Millichap Real Estate
27 Brenda Smith
Sacto.

ACCUSATION OF
JUAN MANUEL BUSTAMANTE, JR