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**FILED**

AUG 31 2016

BUREAU OF REAL ESTATE

By *CR Salorio*

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of	)	No. H-03046 FR
	)	
JAVIER ESPARZA,	)	<u>ACCUSATION</u>
	)	
Respondent.	)	
_____	)	

The Complainant, Brenda Smith, a Supervising Special Investigator of the State of California, for cause of Accusation against JAVIER ESPARZA ("Respondent"), is informed and alleges as follows:

1.

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

2.

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

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Accusation of Javier Esparza

1 3.

2 In aggravation, on or about September 16, 1997, Respondent pled nolo  
3 contendere and was convicted in the Superior Court of California, County of Kern, Case  
4 No. BM548217A, for violation of California Vehicle Code Section 23103.5(a) (Plea To  
5 Reckless Driving In Lieu of DUI), a misdemeanor. Respondent was placed on three years of  
6 summary probation, and ordered to serve two days in jail and pay fines and fees.

7 4.

8 On or about November 12, 2015, Respondent pled nolo contendere and was  
9 convicted in the Superior Court of California, County of Kern, Case No. BM870593A, for  
10 violation of California Vehicle Code Section 23152(a) (Driving Under The Influence), a  
11 misdemeanor, and Vehicle Code Section 20002(a) (Hit And Run), a misdemeanor. Respondent  
12 was placed on three years of probation, and ordered to serve 15 days in jail and pay restitution,  
13 fines and fees.

14 5.

15 The convictions described in Paragraph 4 bear a substantial relationship under  
16 Section 2910, Title 10, Chapter 6, California Code of Regulations to the qualifications,  
17 functions or duties of a real estate licensee.

18 6.

19 The crimes of which Respondent was convicted, as described in Paragraph 4  
20 above, constitute cause under Sections 490 and 10177(b) of the Code for the suspension or  
21 revocation of all the licenses and license rights of Respondent under the Real Estate Law.

22 7.

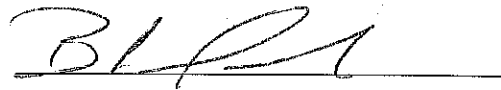
23 Code Section 10106 provides, in pertinent part, that in any order issued in  
24 resolution of a disciplinary proceeding before the Bureau of Real Estate, the Commissioner may  
25 request the administrative law judge to direct a licensee found to have committed a violation of  
26 this part to pay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

Accusation of Javier Esparza

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 JAVIER ESPARZA  
4 under the Real Estate Law, for the cost of investigation and enforcement as permitted by law,  
5 and for such other and further relief as may be proper under other applicable provisions of law.  
6

7 Dated at Fresno, California

8 this 24 day of August, 20 16

9  
10 

11 Brenda Smith  
12 Supervising Special Investigator

13 cc: JAVIER ESPARZA  
14 Miramar International Panama Lane  
15 Brenda Smith  
16 Sacto.  
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