

FILED

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BUREAU OF REAL ESTATE

By MR. Robert H. Smith

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BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

JOHN RAY FILGHERA,
Respondent.

No. H-3065 FR

ACCUSATION

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

1

Complainant makes this Accusation against Respondent in her official capacity.

2

At all times herein mentioned, Respondent was and is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code (the Code) by the Bureau of Real Estate (the Bureau) as a real estate broker.

3

On or about January 7, 2016, in the Superior Court of the State of California, County of Monterey, Case No. MS 330802A, Respondent was convicted of violating Section 242

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1 of the California Penal Code (battery), a misdemeanor and a crime which bears a substantial
2 relationship under Section 2910, Title 10, California Code of Regulations to the qualifications,
3 functions, or duties of a real estate licensee.

4 FACTORS IN AGGRAVATION

5 4

6 On or about March 27, 1989, in the Municipal Court of the State of California,
7 County of Santa Cruz, Case No. 48-10921, Respondent was convicted of violating Section 23103
8 of the California Vehicle Code (wet reckless), a misdemeanor.

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10 On or about September 13, 1988, in the Municipal Court of the State of
11 California, County of Santa Cruz, Case No. 48-05608, Respondent was convicted of violating
12 Section 14601.1(a) of the California Vehicle Code (driving with a suspended license, with 2
13 priors), a misdemeanor.

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15 On or about March 4, 1988, in the Municipal Court of the State of California,
16 County of Santa Cruz, Case No. 47-13528, Respondent was convicted of violating Section
17 14601.1(a) of the California Vehicle Code (driving with a suspended license), a misdemeanor.

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19 On or about June 8, 1987, in the Municipal Court of the State of California,
20 County of Santa Cruz, Case No. 47-02371, Respondent was convicted of violating Section 23103
21 of the California Vehicle Code (wet reckless), a misdemeanor.

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23 PRIOR ADMINISTRATIVE PROCEEDINGS

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25 Effective April 11, 2013, in Case No. H-2588 FR, before the Bureau, through a
26 stipulation and agreement, the Real Estate Commissioner suspended Respondent's real estate
27 broker license due to audit violations, but allowed Respondent to buy down the suspension.

1 Respondent was also ordered to pay for the cost of the audit.

2 9

3 The facts alleged in Paragraph 3, above, constitute cause under Sections 10177(b)
4 (further grounds for disciplinary action- conviction of crime) and 490 (conviction of substantially
5 related crime) of the Business and Professions Code (the Code) for suspension or revocation of
6 Respondent's license under the Real Estate Law.

7 10

8 A diligent search was made of the records of the Bureau of Real Estate (Bureau),
9 relating to Respondent's Real Estate Salesperson License. As a result of said search, no record
10 was discovered having been received from Respondent notifying the Bureau, in writing, of any
11 conviction.

12 11

13 The facts alleged above, in Paragraphs 3 and 10, constitute a violation of Section
14 10186.2 (failure to report in writing, a conviction within 30 days) of the Code, and are grounds
15 for revocation of all licenses and license rights of Respondent under Section 10177(d) of the
16 Code.

17 12

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

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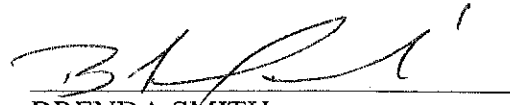
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1 WHEREFORE, Complainant prays that a hearing be conducted on the allegations of
2 this Accusation and that upon proof thereof, a Decision be rendered imposing disciplinary action
3 against all licenses and license rights of Respondent under the Code, for the reasonable costs of
4 investigation and prosecution of this case, including agency attorney's fees and for such other
5 and further relief as may be proper under provisions of law.

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8 BREND A SMITH
Supervising Special Investigator

9 Dated at Fresno, California

10 this 17 day of January, 2017.
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