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**FILED**

**JAN 24 2019**

**DEPT. OF REAL ESTATE**  
By *Sybil Banner*

7 BEFORE THE DEPARTMENT OF REAL ESTATE  
8 STATE OF CALIFORNIA

9 \* \* \*

10 In the Matter of the Accusation of ) No. H-03230 FR  
11 )  
12 RICKY WILFREDO PORTILLO, ) ACCUSATION  
13 )  
14 Respondent. )

15 The Complainant, Brenda Smith, a Supervising Special Investigator of the State  
16 of California, for cause of Accusation against RICKY WILFREDO PORTILLO a.k.a. Rickey  
17 Wilfredo Portillo (“Respondent”) alleges as follows:

18 1.

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

21 2.

22 A. Respondent is presently licensed and/or has license rights under the Real  
23 Estate Law, Part 1 of Division 4 of the California Business and Professions Code (“Code”) as a  
24 real estate salesperson (“RES”) Department of Real Estate (“Department” or “DRE”) license  
25 ID 01824471.  
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DRE Accusation – RICKY WILFREDO PORTILLO

1 B. Respondent was first issued a real estate salesperson ("RES") license by the  
2 DRE on or about September 18, 2007.

3 C. Respondent's RES license will expire on January 4, 2020.

4 FIRST CAUSE FOR DISCIPLINE

5 (CRIMINAL CONVICTION)

6 3.

7 May 21, 2018: Vehicle Code Sections 23152(B) and 20002(A) - Misdemeanors

8 A. On or about May 21, 2018, in the Superior Court of California, County of  
9 Kern, in Case No. BM912040A, The People of the State of California vs. Rickey Wilfredo  
10 Portillo, Respondent pled *nolo contendere* to and was convicted for violation of Vehicle Code  
11 ("VC") Section 23152(B) (driving under the influence with blood alcohol content 0.08% or  
12 greater) and VC Section 20002 (hit and run with property damage), misdemeanors.

13 B. Also on May 21, 2018, Respondent was sentenced to three (3) years  
14 probation, two (2) days jail, and ordered to pay court fees and fines and victim restitution. In  
15 addition, Respondent was ordered to enroll in a Mothers Against Drunk Driving Victim Impact  
16 Panel.

17 4.

18 The crimes of which Respondent was convicted, by their facts and  
19 circumstances, bear a substantial relationship under Section 2910, Title 10, Chapter 6,  
20 California Code of Regulations to the qualifications, functions or duties of a real estate licensee  
21 and constitute cause under **Code Sections 490 and 10177(b)** for the suspension or revocation  
22 of the license and license rights of Respondent under the Real Estate Law.

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1 SECOND CAUSE FOR DISCIPLINE

2 (FAILURE TO REPORT)

3 5.

4 Respondent did not report in writing to the Department, the aforementioned  
5 misdemeanor conviction in Kern County Case No. BM912040A, as described above in  
6 Paragraph 3, within thirty (30) days of the conviction date (May 21, 2018).

7 6.

8 Respondent's failure to report the conviction in Kern County Case No.  
9 BM912040A constitutes cause for discipline under **Code Section 10186.2**<sup>1</sup> of the license and  
10 license rights of Respondent under the Real Estate Law.

11 COSTS

12 7.

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

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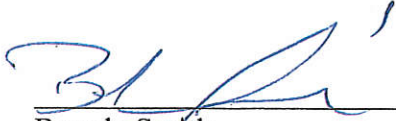
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23 <sup>1</sup> Pursuant to Business and Professions Code 10186.2: (a)(1) A licensee shall report any of the following to the  
24 department: (A) The bringing of an indictment or information charging a felony against the licensee. (B) The  
25 conviction of the licensee, including any verdict of guilty, or plea of guilty or no contest, of any felony or  
26 misdemeanor. (c) Any disciplinary action taken by another licensing entity or authority of this state or of another  
27 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.

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

Dated at Fresno, California  
this 15 day of January, 2019.

  
\_\_\_\_\_  
Brenda Smith  
Supervising Special Investigator

cc: RICKY WILFREDO PORTILLO  
Performance Realtors, Inc.  
Brenda Smith  
Sacto.