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FILED

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DEPARTMENT OF REAL ESTATE
By B. Nicholas

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12) No. H-3266 FR
13 GABRIEL THOMAS BLUHM,)
14) ACCUSATION
Respondent.)
_____)

15 The Complainant, BRENDA SMITH, acting in her official capacity as a
16 Supervising Special Investigator of the State of California, for this Accusation against GABRIEL
17 THOMAS BLUHM ("Respondent"), is informed and alleges as follows:

18 1

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

22 2

23 On or about March 27, 2018, in the Superior Court of the State of California,
24 County of Fresno, Case No. F18900282, Respondent was convicted of violating Section
25 166(c)(1) (willful and knowing violation of a protective order) of the California Penal Code, a
26 misdemeanor and a crime that bears a substantial relationship to the qualifications, functions or

27 ///

1 duties of a real estate licensee pursuant to Section 2910, Title 10, of the California Code of
2 Regulations (“Regulations”).

3 3

4 On or about July 31, 2017, in the Superior Court of the State of California, County
5 of Fresno, Case No. M17921174, Respondent was convicted of violating Section 23152(b)
6 (driving under the influence-over .08%) of the California Vehicle Code, a misdemeanor and a
7 crime that bears a substantial relationship to the qualifications, functions or duties of a real estate
8 licensee pursuant to Section 2910 of the Regulations.

9 GROUNDS FOR DISCIPLINE

10 4

11 The facts alleged in Paragraphs 2 and 3, above, constitute cause under Sections
12 490 (conviction of substantially related crime) and 10177(b) (conviction of substantially related
13 crime) of the Code for the suspension or revocation of all licenses and license rights of
14 Respondent under the Real Estate Law.

15 MATTER IN AGGRAVATION

16 5


17 On or about May 17, 2016, in the Superior Court of the State of California,
18 County of Fresno, Case No. M16912311, Respondent was convicted of violating Section
19 23152(b) of the California Vehicle Code, a misdemeanor.

20 COST RECOVERY

21 6

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

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



6
7 BRENDA SMITH
8 Supervising Special Investigator

9 Dated at Fresno, California,
10 this 1 day of August, 2019.

11
12 DISCOVERY DEMAND

13
14 Pursuant to Sections 11507.6, *et seq.* of the *Administrative Procedure Act*, the
15 Department hereby makes demand for discovery pursuant to the guidelines set forth in the
16 *Administrative Procedure Act*. Failure to provide Discovery to the Department may result in the
17 exclusion of witnesses and documents at the hearing or other sanctions that the Office of
18 Administrative Hearings deems appropriate.