

FILED

DEC 20 2019

DEPT. OF REAL ESTATE

By *John Aguil*

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8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) No. H-03288 FR
12 FERNANDO BOCANEGRA,) ACCUSATION
13 Respondent.)
14 _____)

15 The Complainant, Brenda Smith, a Supervising Special Investigator for the Department of
16 Real Estate ("Department") of the State of California, for cause of Accusation against
17 FERNANDO BOCANEGRA ("Respondent"), is informed and alleges in her official capacity as
18 follows:

19 1. The Complainant, Brenda Smith, acting in her official capacity as a Supervising
20 Special Investigator, makes this Accusation against Respondent.

21 2. Respondent presently has license rights under the Real Estate Law, Part 1 of
22 Division 4 of the California Business and Professions Code ("Code"), as a real estate salesperson
23 (License ID 01700664).

24 FIRST CAUSE OF ACCUSATION

25 (CRIMINAL CONVICTION)

26 3. On or about December 15, 2017, in the Superior Court of California, County of
27 Kern, Case No. BF169523A, Respondent was found guilty and convicted on a plea of nolo
28 contendere for violation of Penal Code section 243(d) (battery causing serious bodily injury), a

1 felony. The court found that Respondent's plea was entered on condition that he complete 12
2 months of Veteran's Affairs ("V.A.") counseling at a local and Los Angeles Veterans Center. The
3 court suspended a two-year prison sentence pending Respondent's successful completion of V.A.
4 counseling.

5 4. On or about January 7, 2019, the court held a veteran program proceeding based on
6 Penal Code section 1170.9. The court suspended the imposition of sentence and placed
7 Respondent on formal probation for 3 years, ordered Respondent to serve 1 day of jail time, with
8 credit for 1 day time served, and ordered Respondent to make restitution to the victim, pay
9 restitution to the restitution fund, and pay fees, fines, an assessment, and costs

10 5. The conviction, as described in Paragraphs 3 and 4 above, bears a substantial
11 relationship under Section 2910, Title 10, Chapter 6, California Code of Regulations to the
12 qualifications, functions or duties of a real estate licensee.

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

16 SECOND CAUSE OF ACCUSATION

17 (FAILURE TO REPORT CONVICTION)

18 7. Pursuant to Section 10186.2 of the Code, a licensee shall report, in writing, "the
19 conviction of the licensee, including any verdict of guilty, or plea of guilty or no contest, of any
20 felony or misdemeanor" to the Department within thirty (30) days of the conviction. Respondent
21 failed to report in writing to the Department the conviction described in Paragraphs 3 and 4 above,
22 within thirty (30) days of the conviction dates.

23 8. Respondent's failure to timely report the conviction constitutes cause under Section
24 10186.2 of the Code for the suspension or revocation of the license and license rights of
25 Respondent under the Real Estate Law.

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1 COSTS

2 (COSTS OF INVESTIGATION AND ENFORCEMENT)

3 9. California Business and Professions Code section 10106, provides, in pertinent
4 part, that in any order issued in resolution of a disciplinary proceeding before the Department of
5 Real Estate, the Commissioner may request the administrative law judge to direct a licensee found
6 to have committed a violation of this part to pay a sum not to exceed the reasonable costs of the
7 investigation and enforcement of the case.

8 WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this
9 Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action
10 against all the licenses and license rights of Respondent FERNANDO BOCANEGRA under the
11 Real Estate Law, for the costs of investigation and enforcement as permitted by law, and for such
12 other and further relief as may be proper under other applicable provisions of law.

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14 Dated at Fresno, California this 17 day of December, 2019.

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16
17 
18 Brenda Smith
Supervising Special Investigator

19
20 cc: FERNANDO BOCANEGRA
21 Brenda Smith
22 Sacto.