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FILED

MAR 14 2023

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 RUBITH QUEZADA,)
13 a.k.a. RUBITH HERNANDEZ,)
14 Respondent.)
15

No. H-3474 FR

FIRST AMENDED
ACCUSATION

16 The Complainant, RUTH CORRAL, a Supervising Special Investigator of the
17 State of California, for cause of Accusation against RUBITH QUEZADA (Respondent), is
18 informed and alleges as follows:

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20 The Complainant, RUTH CORRAL, a Supervising Special Investigator of the
21 State of California, makes this Accusation in her official capacity.

22 2

23 Respondent is presently licensed and/or has license rights under the Real Estate
24 Law (Part 1 of Division 4 of the Business and Professions Code) (Code) as a real estate
25 salesperson, License ID 01890748.

26 Respondent was licensed by the Department as a real estate salesperson on or

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1
2 about November 9, 2010. Unless renewed Respondent's broker license expires on January 18,
3 2024.

4 Department of Insurance Disciplinary Proceedings

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6 On or about June 8, 2011, Respondent was licensed to act as an accident and
7 health agent and a life-only agent with variable contracts authority by the Department of
8 Insurance.

9 4

10 On or about February 13, 2022, after proceedings comparable to the
11 Administrative Procedure Act in which Respondent was given fair notice of the charges, an
12 opportunity for a hearing, and other due process protections the California Department of
13 Insurance, in Case No. PLBS 13483-A, ordered that the Respondent's insurance license be
14 revoked.

15 The revocation was based on Respondent's conviction on or about December 6,
16 2017, in the Superior Court of the State of California, County of Tulare, Case No. VCM347171,
17 Respondent was convicted of violating Section 148.5(a) (making a false police report) of the
18 California Penal Code, and the failure of Respondent to notify the Department of Insurance of the
19 conviction within 30-days. These acts, if done by a real estate licensee, would be grounds for the
20 suspension or revocation of a California real estate license pursuant to the provisions of Sections
21 490, 10177(b), 10186.2, 10177(d), and/or 10177(f) of the Code.

22 Failure To Notify Department

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24 At no time did Respondent provide notice of the bringing of an
25 indictment, the charging of a felony, the conviction of Respondent of one or more misdemeanor
26 and/or felony convictions, and/or any disciplinary action taken by another licensing agency, as
27 required by Section 10186.2 of the Code.

1 Matter of Aggravation

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3 On or about December 6, 2017, in the Superior Court of the State of California,
4 County of Tulare, Case No. VCM347171, Respondent was convicted of violating Section
5 148.5(a) (making a false police report) of the California Penal Code.

6 Grounds For Discipline

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8 The revocation of Respondent's insurance license as described in Paragraph 6,
9 constitutes cause for the suspension or revocation of all licenses and license rights of Respondent
10 under the Real Estate Law under Section 10177(f) of the Code.

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12 The facts alleged in paragraphs 6 and 7 constitute cause under Sections 10177(d)
13 and 10186.2 of the Code for suspension or revocation of Respondent's license under the Real
14 Estate Law.

15 Cost Recovery

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

21 WHEREFORE, Complainant prays that a hearing be conducted on the allegations
22 of this Accusation and that upon proof thereof, a decision be rendered revoking all licenses and
23 license rights of Respondent under the Real Estate Law (Part 1 of Division 4 of the Business and

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1 Professions Code), for the cost of investigation and enforcement as permitted by law, and for
2 such other and further relief as may be proper under other provisions of law.

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6 RUTH CORRAL
7 Supervising Special Investigator

8 Dated at Sacramento, California,
9 this 14th day of March, 2023

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14 DISCOVERY DEMAND

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