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**FILED**

SEP 18 2024

DEPARTMENT OF REAL ESTATE  
By B. Nicholas

9 BEFORE THE DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 \* \* \*

12 In the Matter of the Accusation of )  
13 ) No. H-3567 FR  
14 ANDRES CASTANEDA, )  
15 ) ACCUSATION  
16 Respondent. )  
17 )

18 The Complainant, RUBEN CORONADO, acting in his official capacity as a  
19 Supervising Special Investigator of the State of California, for this Accusation against ANDRES  
20 CASTANEDA ("Respondent"), is informed and alleges as follows:

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

25 2

26 On or about July 29, 2022, in the Superior Court of the State of California,  
27 County of Merced, Case No. 21CR-05249, Respondent was convicted of violating Sections  
23153(a) (driving under the influence-involving injury) and 23153(b) (driving under the  
influence-over .08% involving injury) of the California Vehicle Code, felonies and crimes that

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1 bear a substantial relationship to the qualifications, functions or duties of a real estate licensee  
2 pursuant to Section 2910, Title 10, Chapter 6, of the California Code of Regulations.

3 3

4 On May 29, 2024, a diligent search was made of the records of the Department of  
5 Real Estate ("Department") relating to Respondent's real estate salesperson license No.  
6 02122788. No record or written notice was received within 30 days from Respondent notifying  
7 the Department, in writing, of any conviction, license disciplinary action, criminal complaint,  
8 information, or indictment charging a felony.

9 GROUND FOR DISCIPLINE

10 4

11 The facts alleged in Paragraph 2, above, constitute cause under Sections 490  
12 (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 5

16 Respondent's failure to report the conviction to the Department, as described in  
17 Paragraph 3, above, violates Section 10186.2 (a) (conviction reporting requirements) of the  
18 Code, and constitutes cause under Section 10177(d) (willful disregard or violation of Real Estate  
19 Law) of the Code for the suspension or revocation of all licenses and license rights of  
20 Respondent under the Real Estate Law.

21 COST RECOVERY

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23 The Department will seek to recover the costs of the investigation and prosecution  
24 of this case pursuant to Section 10106 of the Code which provides, in pertinent part, that in any  
25 order issued in resolution of a disciplinary proceeding before the Department, the Commissioner  
26 may request the administrative law judge to direct a licensee found to have committed a violation

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1 of this part to pay a sum not to exceed the reasonable costs of the investigation and enforcement  
2 of the case.

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

8   
9 RUBEN CORONADO  
Supervising Special Investigator

10  
11 Dated at Fresno, California,  
12 this 16<sup>th</sup> day of September 2024.  
13

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