

✓  
**FILED**

**June 13, 2012**

1 KENNETH C. ESPELL, (SBN 178757)  
2 Real Estate Counsel II  
3 California Department of Real Estate  
4 P. O. Box 187007  
5 Sacramento, CA 95818-7007

DEPARTMENT OF REAL ESTATE

By 

6 Telephone: (916) 227-0789  
7 -or- (916) 227-0868 (Direct)

8  
9 BEFORE THE DEPARTMENT OF REAL ESTATE  
10 STATE OF CALIFORNIA

11 \* \* \*

12 In the Matter of the Accusation of

13 MARCO ANTONIO CARLOS, JR.,

14 Respondent.

No. H-4369 SD

ACCUSATION

15  
16 The Complainant, VERONICA KILPATRICK, in her official capacity as a  
17 Deputy Real Estate Commissioner of the State of California, for cause of Accusation against  
18 MARCO ANTONIO CARLOS, JR. (hereinafter "Respondent"), is informed and alleges as  
19 follows:

20 1

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

24 2

25 On or about November 3, 2011, in the Superior Court of Imperial County, State  
26 of California, case number JCF 26237, Respondent was convicted of violating Section 245 (a)  
27 (1) of the California Penal Code (assault with likelihood of causing great bodily injury) with a

1 Penal Code Section 12022.7(a) enhancement (Respondent inflicted great bodily injury on  
2 victim), a felony which bears a substantial relationship under Section 2910, Title 10, California  
3 Code of Regulations, to the qualifications, functions, or duties of a real estate licensee and  
4 constitutes cause for revocation of all licenses and license rights of Respondent under Sections  
5 490 and 10177(b) of the California Business and Professions Code.

6 MATTER IN AGGRAVATION

7 3

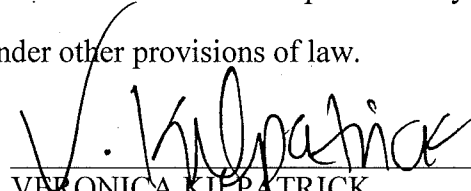
8 On or about October 9, 2002, in the Superior Court of Imperial County, State of  
9 California, case number CM08573E, Respondent was convicted of violating Section 23103.5 of  
10 the California Vehicle Code (wet reckless driving), a misdemeanor which bears a substantial  
11 relationship under Section 2910, Title 10, California Code of Regulations, to the qualifications,  
12 functions, or duties of a real estate licensee.

13 4

14 RECOVERY OF REASONABLE COSTS OF INVESTIGATION AND ENFORCEMENT

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

19 WHEREFORE, Complainant prays that a hearing be conducted on the allegations  
20 of this Accusation and that upon proof thereof, a decision be rendered revoking all licenses and  
21 license rights of Respondent(s) under the Real Estate Law (Part 1 of Division 4 of the Business  
22 and Professions Code), for the cost of investigation and enforcement as permitted by law, and for  
23 such other and further relief as may be proper under other provisions of law.

24   
25 VERONICA KILPATRICK  
26 Deputy Real Estate Commissioner

27 Dated at San Diego, California,  
this 4 day of June, 2012.

**DISCOVERY DEMAND**

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