

**FILED**

APR 16 2013

DEPARTMENT OF REAL ESTATE  
BY: James B. Demus

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of ) No. H-04485 SD  
)  
SEAN PATRICK O'HARA, ) A C C U S A T I O N  
)  
Respondent. )

The Complainant, Veronica Kilpatrick, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against SEAN PATRICK O'HARA, ("Respondent") alleges as follows:

1.

The Complainant, Veronica Kilpatrick, a Deputy Real Estate Commissioner of the State of California, makes this Accusation in her official capacity.

2.

Respondent presently has a license and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the

1 California Business and Professions Code ("Code"), as a  
2 restricted real estate salesperson.

3 3.

4 (RESTRICTED LICENSE)

5 On or about April 25, 2005, a restricted real estate  
6 salesperson license was issued by the Department to Respondent  
7 on the terms, conditions and restrictions set forth in the Real  
8 Estate Commissioner's Decision of March 30, 2005, in Case No.  
9 H-3069 SD.

10 4.

11 Included in said terms, conditions and restrictions  
12 were the following:

13 "Respondent shall notify the Commissioner of Real  
14 Estate in writing of any arrest for any crime, whether  
15 misdemeanor or felony within seventy-two (72) hours of  
such an arrest."

16 5.

17 (CRIMINAL ARREST)

18 On February 1, 2012, Respondent was arrested by the  
19 Carlsbad Police Department on suspicion of violating California  
20 Penal Code Sections 470(d) (forgery), 664/487(b) (conversion of  
21 real estate), 530.5 (identity theft), 118(a) (perjury), 115(a)  
22 (offering false instrument to be filed) and 182(a)(4)  
23 (conspiracy), as well as Government Code Section 8225 (knowingly  
24 soliciting notary to perform improper act).

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6.

Respondent did not notify the Commissioner of Real Estate of the arrest described in paragraph 5 above, within 72 hours.

7.

The conduct, acts, or omissions of Respondent, as described in paragraphs 5 and 6 above, constitute cause under Section 10177(k) of the Code for the suspension or revocation of the license and license rights of Respondent under the Real Estate Law.

8.

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

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1 WHEREFORE, Complainant prays that a hearing be  
2 conducted on the allegations of this Accusation and that upon  
3 proof thereof, a decision be rendered imposing disciplinary  
4 action against all the licenses and license rights of Respondent  
5 SEAN PATRICK O'HARA, under the Real Estate Law, that Complainant  
6 be awarded its costs of investigation and prosecution of this  
7 case, and for such other and further relief as may be proper  
8 under other applicable provisions of law.

9 Dated at San Diego, California

10 this 11 day of April, 2013

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12 \_\_\_\_\_  
13 Veronica Kilpatrick  
14 Deputy Real Estate Commissioner  
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23 CC: SEAN PATRICK O'HARA  
24 America's Finest City Mortgage  
25 Veronica Kilpatrick  
26 Sacto.  
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