

1 ANDREA BENTLER, Counsel (SBN 319369)

2 Department of Real Estate

3 320 West 4th Street, Suite 350

4 Los Angeles, California 90013-1105

5 Telephone: (213) 576-6982

6 Direct: (213) 576-6905

7 Fax: (213) 576-6917

8 Attorney for Complainant

FILED

AUG 23 2018

DEPARTMENT OF REAL ESTATE

By John C. Smith

9 BEFORE THE DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of)

No. H-05012 SD

13 DANIEL RODRIGUEZ,)

ACCUSATION

14 Respondent.)

15 _____)
16 The Complainant, Veronica Kilpatrick, a Supervising Special Investigator of the
17 State of California, for cause of Accusation against DANIEL RODRIGUEZ ("Respondent")
18 alleges as follows:

19 1.

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

22 2.

23 Respondent presently has license rights under the Real Estate Law, Part 1 of
24 Division 4 of the California Business and Professions Code ("Code"), as a real estate
25 salesperson (License ID 01981425). Respondent's license is scheduled to expire on June 17,
26 2019.

1 FIRST CAUSE OF ACCUSATION

2 (CRIMINAL CONVICTION)

3 3.

4 On or about November 17, 2016, in the Superior Court of California, County of
5 Imperial, Case No. JCF35819, Respondent was convicted on a plea of no contest for violation
6 of Penal Code section 273.5(a) (corporal injury to a spouse or cohabitant), a felony. Respondent
7 was placed on formal probation for 3 years subject to certain terms and conditions, including in
8 part, serving 1 day in county jail with credit, performing 100 hours of community service work,
9 participating in a 52 week certified anger management counseling/education program, and
10 participating in an alcohol counseling/educational program.

11 4.

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

15 5.

16 The crime of which Respondent was convicted, as described in Paragraph 3
17 above, constitutes cause under Sections 490 and 10177(b) of the Code for the suspension or
18 revocation of the license and license rights of Respondent under the Real Estate Law.

19 SECOND CAUSE OF ACCUSATION

20 (FAILURE TO REPORT CONVICTION)

21 6.

22 Pursuant to Section 10186.2 of the Code, a licensee shall report, in writing, "the
23 conviction of the licensee, including any verdict of guilty, or plea of guilty or no contest, of any
24 felony or misdemeanor" to the Department of Real Estate ("Department") within thirty (30)
25 days of the conviction. Respondent failed to report in writing to the Bureau the conviction
26 described in Paragraph 3 above, within thirty (30) days of the conviction date.
27

1 7.

2 Respondent's failure to timely report the convictions constitutes cause under
3 Section 10186.2 of the Code for the suspension or revocation of the license and license rights of
4 Respondent under the Real Estate Law.

5
6 (COSTS OF INVESTIGATION AND ENFORCEMENT)

7 8.

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

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1 WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this
2 Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action
3 against all the licenses and license rights of Respondent DANIEL RODRIGUEZ under the Real
4 Estate Law, for the costs of investigation and enforcement as permitted by law, and for such
5 other and further relief as may be proper under other applicable provisions of law.
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7 Dated at San Diego, California this 1st day of August, 2018.
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10 V. Kilpatrick
11 Veronica Kilpatrick
12 Supervising Special Investigator
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25 cc: DANIEL RODRIGUEZ
26 Christopher Daniel Marrs
27 Veronica Kilpatrick
Sacto.