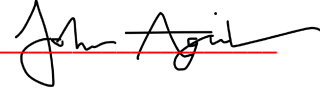


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*Attorney for Complainant*

**FILED**

**February 20, 2024**

**Department of Real Estate**

By 

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

|                                    |   |                   |
|------------------------------------|---|-------------------|
| In the Matter of the Accusation of | ) | No. H-05357 SD    |
|                                    | ) |                   |
| JOSUE GUADALUPE MERCADO,           | ) | <u>ACCUSATION</u> |
|                                    | ) |                   |
| Respondent.                        | ) |                   |
|                                    | ) |                   |

The Complainant, Veronica Kilpatrick, a Supervising Special Investigator of the State of California, for cause of Accusation against JOSUE GUADALUPE MERCADO, a.k.a. "Jose Guadalupe Mercado" ("Respondent"), alleges as follows:

1.

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

LICENSE HISTORY

2.

Respondent presently has license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code ("Code"), as a real estate broker (License ID 01503622). On February 15, 2023, Respondent's license expired. Pursuant to Code section 10201, Respondent retains renewal rights for two years. The Department of Real

1 Estate holds jurisdiction over the lapsed license, pursuant to Code Section 10103.

2 3.

3 a. On or about September 16, 2022, Respondent's real estate broker license  
4 was suspended indefinitely, pursuant to Code section 10186.1, due to Respondent being  
5 incarcerated after and as a result of a felony conviction for a period of two (2) years.

6 b. On or about March 2, 2023, the suspension of Respondent's real estate  
7 broker license was lifted and terminated upon Respondent's release from incarceration on  
8 December 14, 2022.

9 CRIMINAL CONVICTION

10 4.

11 a. On or about March 24, 2022, in the Superior Court of California, County  
12 of Imperial, Case No. JCF004227, Respondent was convicted, by a jury, for violating Penal  
13 Code section 424(a)(5) (public money misappropriation: willful refusal or failure to disburse,  
14 on demand, any public money in his control in response to a draft, order, or warrant), section  
15 424(a)(6) (public money misappropriation: willful failure to transfer any public money when  
16 required by law), both felonies, and Penal Code section 166(a)(4) (willful and unlawful  
17 contempt of court by willful disobedience of a family court order to withhold support  
18 payments), a misdemeanor. The court sentenced the Respondent to serve two (2) years in state  
19 prison. The court also ordered Respondent to pay fines and fees.

20 b. On or about April 4, 2022, in the Court of Appeal of the State of  
21 California, Fourth Appellate District, Case No. D080238, Respondent filed a Notice of Appeal.  
22 On or about May 25, 2022, a Record on Appeal was filed.

23 c. On or about February 28, 2023, the Court of Appeal of the State of  
24 California, Fourth Appellate District, affirmed, in full, the judgment of the Superior Court of  
25 Imperial County.

26 d. On or about May 17, 2023, in the Supreme Court of California, Case No.  
27 S279314, Respondent's petition for review was denied.

1 5.

2 The conviction, as described in Paragraph 4 above, bears a substantial  
3 relationship under Section 2910, Title 10, Chapter 6, California Code of Regulations  
4 (“Regulations”) to the qualifications, functions or duties of a real estate licensee.

5 6.

6 The crimes for which Respondent was convicted, as described in Paragraph 4  
7 above, constitute cause under Code sections 490 and 10177(b) for the suspension or revocation  
8 of the license and license rights of Respondent under the Real Estate Law.

9 COSTS OF INVESTIGATION AND ENFORCEMENT

10 7.

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

16 8.

17 These proceedings are brought under the provisions of Section 10100, Division  
18 4 of the Business and Professions Code of the State of California and Sections 11500 through  
19 11528 of the California Government Code.

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

7  
8 Dated at San Diego, California, on Feb 20, 2024.

9  
10  
11 *Veronica Kilpatrick*

12 Veronica Kilpatrick  
13 Supervising Special Investigator  
14  
15

16 cc:   JOSUE GUADALUPE MERCADO  
17       Veronica Kilpatrick  
18       Sacto.  
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