

FILED

JUN 07 2023

DEPT. OF REAL ESTATE

By 

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8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) No. H-05753 SD
12)
13 ERIC DONALD YOSHIMURA,) ACCUSATION
14)
15 Respondent.)

16 The Complainant, Veronica Kilpatrick, a Supervising Special Investigator of the
17 State of California, for cause of Accusation against ERIC DONALD YOSHIMURA, a.k.a.
18 "Eric Donald Yoshimur" ("Respondent"), 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 and/or license rights under the Real Estate
24 Law, Part 1 of Division 4 of the California Business and Professions Code ("Code"), as a real
25 estate salesperson (License ID 02130714). On December 21, 2024, Respondent's license is set
26 to expire, unless renewed.

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1 CRIMINAL CONVICTION

2 3.

3 On or about February 7, 2022, in the Superior Court of California, County of
4 San Bernardino, Case No. MVI21000313, Respondent was convicted, on a no contest plea, for
5 violating Penal Code section 242 (battery), a misdemeanor. The court withheld the
6 pronouncement of judgment and granted conditional and revocable release for a period of
7 twelve (12) months that included the following terms: pay restitution, fines and fees, serve 30
8 days in jail through work release program at Glen Helen Rehabilitation Center, and have no
9 contact with victim James S.

10 4.

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

14 5.

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

18 IN AGGRAVATION

19 (PRIOR CONVICTIONS)

20 6.

21 On or about October 4, 2013, in the Municipal Court of Arizona, County of
22 Maricopa, Case No. 2013CT9268, Respondent was convicted, on a guilty plea, for violating
23 Arizona Revised Statutes (“A.R.S”) / section 28-1381(a)(1) (DUI, 2nd offense), a misdemeanor.
24 The court suspended the imposition of a sentence of 150 days in jail and placed Respondent on
25 five (5) years of probation upon certain terms and conditions which included: serve 30
26 consecutive days in jail, complete counseling as recommended by Gilbert Y.A.R., Substance
27 Abuse Counseling, complete one M.A.D.D. program, 30 hours of community service, do not

1 possess or consume any alcohol and/or drugs, and payment of fines and fees.

2 7.

3 On or about December 5, 2011, in the Superior Court of California, County of
4 San Bernardino, Case No. TVI1101502, Respondent was convicted, on a guilty plea, for
5 violating Vehicle Code section 23152(a) (DUI, alcohol), a misdemeanor. The court withheld
6 the pronouncement of judgment and granted conditional and revocable release for a period of
7 thirty-six (36) months that included the following terms: complete a court-approved 1st
8 Offender Alcohol Program for three (3) months, serve one (1) day in county jail, and pay fines
9 and fees.

10 8.

11 On or about February 22, 2010, in the Superior Court of California, County of
12 San Bernardino, Case No. MVI904040, Respondent was convicted, on a no contest plea, for
13 violating Penal Code 647 (public intoxication), a misdemeanor. The court ordered Respondent
14 to pay a fine in the amount of \$170.00

15 COSTS OF INVESTIGATION AND ENFORCEMENT

16 9.

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

22 10.


23 These proceedings are brought under the provisions of Section 10100, Division
24 4 of the Business and Professions Code of the State of California and Sections 11500 through
25 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 ERIC DONALD YOSHIMURA
4 under the Real Estate Law, for the costs of investigation and enforcement as permitted by law,
5 and for such other and further relief as may be proper under other applicable provisions of law.
6

7 Dated at San Diego, California, on June 6, 2023, 2023.

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11 _____
12 Veronica Kilpatrick
13 Supervising Special Investigator

14 cc: ERIC DONALD YOSHIMUA
15 Veronica Kilpatrick
16 Sacto.
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