FILED

SEP - 9 2026

DEPT OF REAL ESTATE

By [redacted]

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of:	)	DRE No. H-05911 SD
MARK DANIEL PATRON,	)	OAH No. 2026010677
Respondent.	)	

DECISION

The Proposed Decision dated August 12, 2026, of the Administrative Law Judge of the Office of Administrative Hearings, is hereby adopted as the Decision of the Real Estate Commissioner in the above-entitled matter.

Pursuant to Section 11517(c)(2) of the Government Code, the following corrections are made to the Proposed Decision.

Page 6, Paragraph 3 reads as, "...subd. (a) (9).)..." corrected to read as, "...subd (a) (8).)..."

The Decision suspends or revokes one or more real estate licenses.

Pursuant to Government Code Section 11521, the Department of Real Estate may order reconsideration of this Decision on petition of any party. The party seeking reconsideration shall set forth new facts, circumstances, and evidence, or errors in law or analysis, that show(s) grounds and good cause for the Commissioner to reconsider the Decision. If new evidence is presented, the party shall specifically identify the new evidence and explain why it was not previously presented. The Department's power to order reconsideration of this Decision shall expire thirty (30) days after mailing of this Decision, or on the effective date of this Decision, whichever occurs first.

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The right to reinstatement of a revoked real estate license or to the reduction of a penalty is controlled by Section 11522 of the Government Code. A copy of Sections 11521 and 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of respondent.

This Decision shall become effective at 12 o'clock noon on 9/24/26.

IT IS SO ORDERED September 1, 2026

CHIKA SUNQUIST
REAL ESTATE COMMISSIONER

[redacted]

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

MARK DANIEL PATRON, Respondent

DRE No. H-05911 SD

OAH No. 2026010677

PROPOSED DECISION

Administrative Law Judge Traci C. Belmore, Office of Administrative Hearings, State of California, heard this matter on July 14, 2026, by videoconference.

Counsel Judith A. Buranday represented complainant, Veronica Kilpatrick, Supervising Special Investigator, Department of Real Estate, State of California.

Respondent Mark Daniel Patron represented himself.

Oral and documentary evidence was received. The record was closed, and the matter was submitted for decision on July 14, 2026.

FACTUAL FINDINGS

Jurisdictional Matters

1. Respondent Mark Daniel Patron is currently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the Business and Professions Code, as a real estate broker. Respondent's license is scheduled to expire on May 3, 2029.

2. On December 5, 2025, complainant, in her official capacity, signed an accusation seeking to impose discipline upon respondent's license for being convicted of crimes substantially related to the qualifications, functions or duties of a real estate licensee and for failing to notify the Department of Real Estate (department) of the convictions.

3. Respondent timely filed a notice of defense, and this hearing ensued.

Convictions

4. On November 6, 2024, in the Superior Court of California, County of Riverside, respondent was convicted, on his guilty pleas, of violating Vehicle Code sections 23152, subdivision (b), driving while having a blood alcohol content (BAC) of 0.08 percent or greater (DUI), and 20002, subdivision (a), failure to exchange information (hit and run), misdemeanors. Respondent also admitted the special allegation that he had been convicted of a prior DUI offense within the previous 10 years. Imposition of sentence was suspended, and respondent was placed on probation for 60 months with terms and conditions that included serving 30 days in county jail, completing an 18-month impaired driver program (IDP), and paying restitution.

5. The facts and circumstances underlying the above convictions are that on February 17, 2024, an officer with the Indio Police Department was dispatched to a report of a hit and run. The dispatch described the car that fled as a white Kia. Officer Fuentes was driving towards the crash site when he saw a white Kia with major damage to the front bumper area being driven in the opposite direction. Officer Fuentes made a U-turn and followed the Kia to the parking lot of a Circle K. Upon contact with the driver, respondent, he noticed a strong odor of alcohol coming from respondent. Officer Fuentes also noticed that respondent's speech was slow/slurred, he had an unsteady gait, and he was unable to follow simple instructions or answer simple questions. Officer Fuentes attempted to have respondent perform field sobriety tests (FST). Respondent failed to satisfactorily perform the FST and Officer Fuentes arrested him for DUI. Chemical breath tests showed respondent's BAC was 0.23/0.23 percent.

6. On October 23, 2018, in the Superior Court of California, County of Orange, respondent was convicted, on his guilty pleas, of violating Vehicle Code section 23152, subdivisions (a), driving while under the influence of an alcoholic beverage and (b), driving while having a BAC of 0.08 percent or greater, misdemeanors. Imposition of sentence was suspended, and respondent was placed on probation for three years with terms and conditions that included completing a six-month IDP.

7. The facts and circumstances underlying the convictions above are that on April 15, 2018, respondent was observed by a Fullerton Police Department officer driving with his headlights off. Upon contact with the driver, respondent, the officer noticed the odor of an alcoholic beverage coming from respondent's breath. The officer noticed that respondent's eyes were bloodshot and watery, and that he had

slurred speech. Respondent failed to satisfactorily perform the FST and the officer arrested him for DUI. Chemical breath tests showed respondent's BAC was 0.17/0.18 percent.

8. Respondent failed to report his most recent conviction to the department within 30 days of the conviction.

Respondent's Evidence

9. Respondent does not dispute that he suffered the convictions. He claimed that he received a letter from the department asking him to explain the DUI convictions. He did not testify as to the specific dates he received and/or responded to this letter. Respondent testified that he had sent a two-page letter to the department explaining both DUI convictions. Respondent stated that when it was time to renew his license in May 2025, the department asked him about his most recent conviction. Respondent stated that he had notified the department twice of his convictions before the accusation was filed.

10. Respondent acknowledged that he made a lot of mistakes with his DUI convictions. After his first DUI conviction, he attended weekly Alcoholics Anonymous (AA) meetings for six months and then attended every other week. Respondent stated that his mother died in 2023 and he "fell off the wagon." He last had an alcoholic beverage on February 17, 2024, the date of his most recent arrest.

11. Respondent testified about the circumstances surrounding his most recent DUI conviction. He was playing blackjack at a casino and felt "a little buzzed." Respondent testified that he planned to take an Uber ride home, so he continued drinking. He claims no memory of anything that occurred after he made the decision to take an Uber ride.

12. Respondent stated that he does not plan to ever drink again. He is currently seeing a therapist and attending AA meetings. He stated that he needs his license to maintain his current employment. Respondent stated that paying the costs associated with his DUI conviction have put him in a different position financially, and paying costs would be extremely difficult. Respondent failed to provide any evidence that he had engaged in any community service that was not court-ordered. He failed to provide any documentary evidence of his rehabilitation, for example, proof that he had completed the IDP, engaged in therapy, or attendance at AA meetings.

13. Respondent testified in an open and forthright manner that is consistent with one who is being truthful.

Costs

14. In connection with the investigation and enforcement of this accusation, complainant requests an award of costs in the total amount of $1,476.75. These costs reflect $580.80 in enforcement costs and $895.95 in investigative costs. The request is supported by declarations that comply with the requirements of California Code of Regulations, title 1, section 1042. The amount of costs is reasonable.

LEGAL CONCLUSIONS

1. The burden of proof is on the complainant to show cause for discipline by clear and convincing evidence. (*Small v. Smith* (1971) 16 Cal.App.3d 450,457; Evid. Code, § 500.) The burden is on respondent to show rehabilitation by a preponderance of the evidence. (Evid. Code, §§ 115, 500.)

2. Business and Professions Code sections 490 and 10177, subdivision (b), authorize the Real Estate Commissioner (Commissioner) to suspend or revoke the license of a licensee who has been convicted of a crime that is substantially related to the qualifications, functions, or duties of a licensee. California Code of Regulations, title 10, section 2910, sets forth the criteria to be used when determining whether a crime or act is substantially related to the qualifications, functions, or duties of a real estate licensee.

3. Committing an unlawful act with the threat of doing substantial injury to the person or property of an individual is substantially related to the qualifications, functions, or duties of a real estate licensee. (Cal. Code of Regs., tit. 10, § 2910, subd. (a)(9).) Respondent's 2024 DUI and hit and run convictions placed everyone sharing the road with him at risk of harm to their persons and actually damaged the property of another. Those convictions are substantially related to the qualifications, functions, or duties of a real estate licensee. Cause exists to discipline respondent's license and endorsement pursuant to Business and Professions Code sections 490, and 10177, subdivision (b).

4. Complainant alleged the 2018 DUI conviction as an aggravating factor in determining the appropriate discipline.

5. Business and Professions Code section 10186.2 establishes the duty of a licensee to report the conviction of the licensee of any misdemeanor within 30 days of the occurrence and provides that failure to do so constitutes cause for discipline. Business and Professions Code section 10177, subdivision (d), authorizes the Commissioner to impose license discipline for willful disregard or violation of the Real Estate Law. As set forth in Factual Finding 8, respondent failed to notify the department of his convictions in a timely manner. Consequently, cause exists to

discipline respondent's license pursuant to Business and Professions Code section 10177, subdivision (d), and 10186.2.

6. The goal of license discipline proceedings is not punishment but rather protection of the public. (Bus. & Prof. Code, § 10050.1.) Having established that cause for discipline exists, the question is whether respondent has demonstrated that he can be trusted to discharge the duties of a real estate licensee in a manner consistent with public safety.

7. The criteria for evaluating rehabilitation of a licensee who has been convicted of a crime are set forth in California Code of Regulations, title 10, section 2912, and have been considered. The relevant criteria include: the nature and severity of the crime or act; the licensee's criminal history; the time that has elapsed since the commission of the acts; compliance with probation; change in attitude from that which existed at the time of the offenses; payment of restitution; and significant and conscientious involvement in community programs.

8. Respondent has two DUI convictions over six years apart. It has been less than two years since respondent's last conviction, and he is currently on probation for that conviction. However, respondent acknowledged that he made a lot of mistakes with his DUI convictions. He testified that he has completed the IDP for his most recent DUI conviction and is currently attending therapy monthly and AA meetings weekly. He has not engaged in any community service that was not court-ordered. Respondent has demonstrated a change in attitude, which of the many rehabilitation criteria is "arguably the most important in predicting future conduct." (*Singh v. Davi* (2012) 211 Cal.App.4th 141, 149.) Less than two years have passed since respondent's most recent DUI conviction, which is insufficient time to demonstrate rehabilitation. (Cal. Code Regs., tit. 10, § 2912, subd. (a)(1).)

9. At this time, respondent has not demonstrated that he is sufficiently rehabilitated from his criminal offenses such that he could be trusted to discharge the duties of a real estate broker. Given these circumstances, it would be against the public interest to allow respondent to retain his real estate broker license even on a restricted basis.

Costs

10. Business and Professions Code section 10106 authorizes the department to recover its reasonable costs of investigation and enforcement in disciplinary proceedings. As set forth above, the department has incurred $1,476.75 in reasonable costs.

11. In *Zuckerman v. State Board of Chiropractic Examiners* (2002) 29 Cal.4th 32, 45, the California Supreme Court established standards for determining whether costs should be assessed in the particular circumstances of each case, to ensure that licensees are not deterred from exercising their right to an administrative hearing. Among those standards are whether or not the licensee was successful at hearing in getting the charges reduced or outright dismissed; the licensee's good faith belief in the merits of his or her position; whether the licensee has raised a colorable challenge to the proposed discipline; the financial ability of the licensee to pay, and whether the scope of the investigation was appropriate to the alleged misconduct. Respondent established that he lacks the financial ability to pay costs. As a result, the department's cost recovery is waived.

ORDER

All licenses and licensing rights of respondent Mark Daniel Patron under the Real Estate Law are revoked.

DATE: August 12, 2026

[redacted]

TRACI C. BELMORE
Administrative Law Judge
Office of Administrative Hearings