

FILED

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BUREAU OF REAL ESTATE

By S. Black

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8 BEFORE THE BUREAU OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 KENNETH RYAN KOCH,)
13 Respondent.)
14

NO. H-6300 SAC
ACCUSATION

15 The Complainant, HEATHER NISHIMURA, in her official capacity as a
16 Supervising Special Investigator for the Bureau of Real Estate ("Bureau") of the State of
17 California, brings this Accusation against KENNETH RYAN KOCH ("Respondent"), and is
18 informed and alleges as follows:

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20 Respondent is presently licensed by the Bureau and/or has license rights under
21 the Real Estate Law (Part 1 of Division 4 of the California Business and Professions Code)
22 ("Code") as a real estate salesperson.

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24 On or about July 14, 2014, in the Superior Court of the State of California,
25 County of Sacramento, Case No. 14F03113, Respondent was convicted, upon a plea of *nolo*
26 *contendere*, of violating Section 11359 of the California Health and Safety Code (unlawful
27 possession of marijuana for sale), a felony and a crime which bears a substantial relationship

1 under Section 2910, Title 10 of the California Code of Regulations (“Regulations”) to the
2 qualifications, functions, or duties of a real estate licensee.

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4 Respondent’s conviction identified in Paragraph 2, above, constitutes cause under
5 Sections 490 (conviction of crime) and 10177(b) (conviction of crime substantially related to
6 the qualifications, functions or duties of a real estate licensee) of the Code for the suspension or
7 revocation of all licenses and license rights of Respondent under the Real Estate Law.

8 Failure to Disclose

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10 A diligent search was made of the records of the Bureau relating to Respondent’s
11 real estate license. As a result of said search, no written record was discovered having been
12 received from Respondent notifying the Bureau, in writing and within 30 days of either the
13 bringing of an indictment, the charging of a felony, the conviction of Respondent of one or
14 more misdemeanor and/or felony convictions, and/or any disciplinary action taken by another
15 licensing agency.

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17 The allegations contained at Paragraphs 2 and 4, above, constitute cause under
18 Sections 10177(d) (willful disregard or violation of the Real Estate Law) and 10186.2 (failure to
19 disclose) of the Code for the suspension or revocation of all licenses and license rights of
20 Respondent under the Real Estate Law.

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22 Cost Recovery

23 Section 10106 of the Code provides, in pertinent part, that in any order issued in
24 resolution of a disciplinary proceeding before the Bureau, the Real Estate Commissioner may
25 request the Administrative Law Judge to direct a licensee found to have committed a violation of
26 this part to pay a sum not to exceed the reasonable costs of the investigation and enforcement of
27 the case.

1 WHEREFORE, Complainant prays that a hearing be conducted on the allegations
2 of this Accusation and that upon proof thereof, a decision be rendered revoking all licenses and
3 license rights of Respondent under the Real Estate Law (Part 1 of Division 4 of the Business and
4 Professions Code), for the cost of investigation and enforcement as permitted by law, and for
5 such other and further relief as may be proper under other provisions of law.

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10 HEATHER NISHIMURA
11 Supervising Special Investigator

12 Dated at Sacramento, California,
13 this 4th day of August, 2015.

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18 DISCOVERY DEMAND

19 Pursuant to Sections 11507.6, *et seq.* of the *Administrative Procedure Act*, the
20 Bureau of Real Estate hereby makes demand for discovery pursuant to the guidelines set forth
21 in the *Administrative Procedure Act*. Failure to provide discovery to the Bureau of Real Estate
22 may result in the exclusion of witnesses and documents at the hearing or other sanctions that the
23 Office of Administrative Hearings deems appropriate.