## FILED

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BUREAU OF REAL ESTATE

By MRobert

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BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

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In the Matter of the Accusation of

GENEVIEVE MACALOLOOY-DOWNES,

Respondent.

No. H-6529 SAC

**ACCUSATION** 

The Complainant, TRICIA D. PARKHURST, acting in her official capacity as a Supervising Special Investigator of the State of California, for cause of Accusation against GENEVIEVE MACALOLOOY-DOWNES (Respondent), is informed and alleges as follows:

1

At all times herein mentioned, Respondent was and is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code (the Code) by the Bureau of Real Estate (the Bureau) as a real estate salesperson.

2

On or about October 26, 2016, in the Superior Court of the State of California, County of San Joaquin, Case No. CR-2016-9075, Respondent was convicted of violating Section 23153 (b) of the Vehicle Code (Driving Under the Influence of Alcohol or Drugs Causing Injury), a misdemeanor and crime which bears a substantial relationship under Section

2910, Title 10, of the California Code of Regulations (Regulations) to the qualifications, 1 2 functions or duties of a real estate licensee. 3 4 A diligent search was made of the records of the Bureau, relating to Respondent's real estate salesperson license No. 01090231. As a result of said search, no 5 6 written record was discovered of Respondent notifying the Bureau of any conviction. 7 The facts alleged above in Paragraph 2, constitutes grounds under Sections 490 8 and 10177(b) (conviction of a crime) of the Code for suspension or revocation of all licenses 9 and license rights of Respondent under the Real Estate Law. 10 11 5 12 The facts alleged above in Paragraph 3, constitutes a violation of Section 10186.2 (a)(1)(B) and Section 10186.2 (a) (2) (failure to report in writing, conviction within 30 13 days) of the Code are grounds for the suspension or revocation of all licenses and license rights 14 of Respondent under Sections 10186.2 (b) and 10177(d) (willful disregard or violation of Real 15 16 Estate Law) of the Code. 17 COST RECOVERY 18 6 19 Section 10106 of the Code provides, in pertinent part, that in any order issued in resolution of a disciplinary proceeding before the Bureau, the Commissioner may request the 20 Administrative Law Judge to direct a licensee found to have committed a violation of this part to 21 pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case. 22 23 /// 24 /// 25 /// 26 /// 27 ///

WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered revoking all licenses and license rights of Respondent under the Real Estate Law, for the cost of investigation and enforcement as permitted by law, and for such other and further relief as may be proper under other provisions of law.

TRICIA D. PARKHURST Supervising Special Investigator

Dated at Sacramento, California, on this Hold day of April 2017.

## **DISCOVERY DEMAND**

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