

FILED

MAR 28 2018

BUREAU OF REAL ESTATE

By H. Beg

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BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of )  
ALLAN MACDONALD, ) No. H-6659 SAC  
Respondent. ) ACCUSATION

The Complainant, TRICIA D. PARKHURST, acting in her official capacity as a Supervising Special Investigator of the State of California, for this Accusation against ALLAN MACDONALD ("Respondent"), is informed and alleges as follows:

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Respondent is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the Business and Professions Code ("Code") as a real estate broker.

CRIMINAL CONVICTION

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On or about June 1, 2017, in the Superior Court of the State of California, County of Butte, Case No. 17CF00972, Respondent was convicted of violating Section 23153(b) (driving under the influence with injury) of the California Vehicle Code, a felony and a crime that bears a substantial relationship to the qualifications, functions or duties of a real estate licensee pursuant to Section 2910, Title 10, of the California Code of Regulations.

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On February 27, 2018, a diligent search was made of the records of the Bureau of Real Estate ("Bureau") relating to Respondent's real estate broker license No. 01320729. No record or written notice was received from Respondent notifying the Bureau, in writing, of any arrest, conviction, indictment or license disciplinary action.

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The facts alleged in Paragraph 2, above, constitute cause under Sections 490 (conviction of substantially related crime) and 10177(b) (conviction of substantially related crime) of the Code for the suspension or revocation of all licenses and license rights of Respondent under the Real Estate Law.

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Respondent's failure to report the conviction to the Bureau, as described in Paragraph 3, above, violates Section 10186.2 (a) (conviction reporting requirements) of the Code, and constitutes cause under Section 10177(d) (willful disregard or violation of Real Estate Law) of the Code for suspension or revocation of all licenses and license rights of Respondent under the Real Estate Law.

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The Bureau will seek to recover the cost of the investigation and prosecution of this case pursuant to section 10106 of the Code which provides, in pertinent part, that in any order issued in resolution of a disciplinary proceeding before the Bureau, the Commissioner may request the administrative law judge to direct a licensee found to have committed a violation of this part to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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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 imposing disciplinary  
3 action against all licenses and license rights of Respondent under the Real Estate Law, for the  
4 cost of investigation and enforcement as permitted by law, and for such other and further relief as  
5 may be proper under other provisions of law.

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7 TRICIA D. PARKHURST  
8 Supervising Special Investigator

9 Dated at Sacramento, California,  
10 this 20th day of March, 2018.

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13 DISCOVERY DEMAND

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