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**FILED**

**JUL 24 2018**

DEPARTMENT OF REAL ESTATE

By K. Kwoyap

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )

12 LIONEL I. REYES, )

13 Respondent. )

No. H-6682 SAC

ACCUSATION

14 The Complainant, CHIKA SUNQUIST, acting in her official capacity as a  
15 Supervising Special Investigator of the State of California, for cause of Accusation against  
16 LIONEL I. REYES (Respondent), is informed and alleges as follows:

17 1

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

21 2

22 On or about February 12, 2018, the Department received Respondent's  
23 application for an individual mortgage loan originator license endorsement (license  
24 endorsement) through the Nationwide Mortgage Licensing System and Registry.

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In response to (D) of said application, to wit "DO YOU HAVE ANY UNSATISFIED JUDGMENTS OR LIENS AGAINST YOU", Respondent answered no, failing to disclose an unsatisfied judgment against him in Case No. 04435407, by the Superior Court of California, County of San Francisco, wherein a default judgment was entered on January 12, 2005, in favor of the plaintiff, WFS Financial, Inc., for the amount of \$13,496.05.

The acts and/or omissions described above constitute a violation of Section 10177 (a) (Attempt to Procure License through Fraud) of the Code, and are grounds for discipline under Sections 10177 (a), (d) (Willful Disregard of Real Estate Laws) and/or (g) (Negligence/Incompetent Licensee) of the Code.

#### FACTORS IN AGGRAVATION

On or about September 2, 2003, in the Superior Court of California, County of San Mateo, Case No. SM326771A, Respondent was convicted of violating Section 23103.5 (A) of the California Vehicle Code (Reckless Alcohol), a misdemeanor.

On or about July 1, 2008, in the Superior Court of California, County of San Mateo, Case No. NM376671A, Respondent was convicted of violating Section 25658 (A) of the Code (Selling Liquor to Minor), a misdemeanor.


On or about July 31, 2008, in the Superior Court of California, County of Santa Clara, Case No. CC808006, Respondent was convicted of violating Section 14601.1 (A) of the California Vehicle Code (Driving on Suspended License), a misdemeanor.

#### COST RECOVERY

Section 10106 of the Code provides, in pertinent part, that in any order issued in resolution of a disciplinary proceeding before the Department, the commissioner may request the

1 Administrative Law Judge to direct a licensee found to have committed a violation of this part to  
2 pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

3 WHEREFORE, Complainant prays that a hearing be conducted on the  
4 allegations of this Accusation and that upon proof thereof a decision be rendered imposing  
5 disciplinary action against all licenses and license rights of Respondents under the Real Estate  
6 Law, for the cost of the investigation and enforcement as permitted by law, for the cost of the  
7 audit as permitted by law, and for such other and further relief as may be proper under other  
8 provisions of law.

9  
10   
11 CHIKA SUNQUIST  
Supervising Special Investigator

12 Dated at Sacramento, California,  
13 this 19<sup>th</sup> day of July, 2018.

14  
15 DISCOVERY DEMAND

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