

FILED

APR 20 2021

DEPARTMENT OF REAL ESTATE

By A. dew

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
) No. H-6954 SAC
TOBIA J. PRESTON,)
)
)
)
Respondent.)

DECISION

This Decision is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on, and the Findings of Fact set forth herein, which are based on one or more of the following: (1) The express admissions of Respondent, TOBIA J. PRESTON (“Respondent”); (2) affidavits; and (3) other evidence.

This Decision revokes one or more real estate licenses and/or license rights on grounds of conviction of a crime that is substantially related to the qualifications, functions or duties of a real estate licensee and Respondent’s failure to timely report said conviction.

Pursuant to Government Code Section 11521, the California Department of Real Estate (“Department”) 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 30 days after mailing of this Decision, or on the effective date of this Decision, whichever occurs first. 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 Government Code Sections 11521 and 11522 and a copy of the Commissioner’s Criteria of Rehabilitation are attached hereto for the information of respondent.

FINDINGS OF FACTS

On September 10, 2020, Chika Sunquist made the Accusation in her official capacity as a Deputy Real Estate Commissioner of the State of California. The Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified mail, return receipt requested, to Respondent’s last known mailing address on file with the Department on September 10, 2020.

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On December 9, 2020, no Notice of Defense having been received or filed herein within the time prescribed by Section 11506 of the Government Code, Respondent's default was entered herein.

3

Respondent 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 ("Code") as a real estate broker, whose license expires on January 3, 2023.

4

Attached as Exhibit "A" is a true and correct copy of the Accusation filed on September 10, 2020, which is incorporated herein as part of this Decision.

DETERMINATION OF ISSUES

1

The allegations contained in the Accusation, constitute cause under Sections 10159.5, 10177(a), 10177(d), 10177(f), 10177(g) and 10177(j) of the Code, in conjunction with Section 2731, Title 10, of the California Code of Regulations, for the suspension or revocation of all licenses and license rights of Respondent under the Real Estate Law.

2

The standard of proof applied was clear and convincing proof to a reasonable certainty.

ORDER

All licenses and licensing rights of Respondent, TOBIA J. PRESTON, under the provisions of Part I of Division 4 of the Business and Professions Code are revoked.

This Decision shall become effective at 12 o'clock noon on MAY 11 2021.

DATED: 4.12.21

DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER



FILED

DEC 09 2020

DEPARTMENT OF REAL ESTATE

By *By dew*

1 Department of Real Estate
2 1651 Exposition, Blvd.
3 Sacramento, CA, 95815
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7

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of:)	DRE NO. <i>H-6954 SAC</i>
)	
)	
13 TOBIAS J. PRESTON,)	<u>DEFAULT ORDER</u>
)	
14 Respondent.)	
)	

15
16 Respondent TOBIA J. PRESTON, having failed to file a Notice of Defense
17 within the time required by Section 11506 of the Government Code, is now in default. It is,
18 therefore, ordered that a default be entered on the record in this matter.

19 IT IS SO ORDERED DEC 09 2020.

20 DOUGLAS R. McCAULEY
21 REAL ESTATE COMMISSIONER

22 By: 
23 Chika Sunquist
24 Assistant Commissioner, Enforcement
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