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**FILED**

**SEP 08 2022**

DEPARTMENT OF REAL ESTATE

By B. Nichols

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Application of:

ANDREW JOSEPH DUTRA-TRISTAO,

Respondent.

No. H-7172 SAC

STATEMENT OF ISSUES

The Complainant, TRICIA D. PARKHURST, acting in her official capacity as a Supervising Special Investigator of the State of California, for Statement of Issues against ANDREW JOSEPH DUTRA-TRISTAO (herein "Respondent"), is informed and alleges as follows:

1.

On or about August 12, 2021, Respondent made application to the Department of Real Estate of the State of California for a real estate salesperson license.

CRIMINAL CONVICTIONS

2.

On or about July 30, 2019, in the Superior Court of State of California, County of Sacramento, Case Number 19MI013274, Respondent was convicted of violating Penal Code Section 148(a)(1) (obstructing a public officer), a misdemeanor which bears a substantial relationship under section 2910, title 10, California Code of the Regulations (herein "the Regulations") to the qualifications, functions or duties of a real estate licensee.

1 3.

2 On or about April 3, 2019, in the Superior Court of State of California, County of  
3 Sacramento, Case Number 19MI005615, Respondent was convicted of violating Vehicle Code  
4 Section 23152(b) (driving under the influence of alcohol), a misdemeanor which bears a  
5 substantial relationship under section 2910, title 10 of the Regulations to the qualifications,  
6 functions or duties of a real estate licensee.

7 4.

8 On or about September 18, 2015, in the Superior Court of State of California,  
9 County of Sacramento, Case Number 15M07029, Respondent was convicted of violating  
10 Vehicle Code Section 23103 (reckless driving), a misdemeanor which bears a substantial  
11 relationship under section 2910, title 10 of the Regulations to the qualifications, functions or  
12 duties of a real estate licensee.

13 PRIOR LICENSE DENIAL

14 5.

15 On or about February 19, 2019, Respondent made application to the Department  
16 of Real Estate for a real estate salesperson license. On or about June 18, 2020, after a hearing  
17 before the Office of Administrative Hearing in which Respondent was afforded all applicable  
18 due process rights and protections, the Administrative Law Judge issued a Proposed Decision  
19 denying Respondent's application. The denial was based upon the convictions set forth above  
20 in Paragraphs 2 through 4, and upon Respondent's failure to disclose the conviction set forth  
21 above in Paragraph 4. Effective August 10, 2022, the Commissioner of the Department of Real  
22 Estate adopted as his Decision, the Proposed Decision of the Administrative Law Judge.

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