JASON D. LAZARK, Counsel State Bar No. 263714 Department of Real Estate FILED P.O. Box 137007 Sacramento, CA 95813-7007 4 SEP 0 8 2022 Telephone: (916) 576-8700 (916) 576-7843 (Direct) 5 jason.lazark@dre.ca.gov E-mail: 6 7 8 BEFORE THE DEPARTMENT OF REAL ESTATE 9 STATE OF CALIFORNIA 10 In the Matter of the Application of: 11 No. H-7172 SAC ANDREW JOSEPH DUTRA-TRISTAO, 12 STATEMENT OF ISSUES Respondent. 13 14 The Complainant, TRICIA D. PARKHURST, acting in her official capacity as a 15 Supervising Special Investigator of the State of California, for Statement of Issues against 16 ANDREW JOSEPH DUTRA-TRISTAO (herein "Respondent"), is informed and alleges as 17 follows: 18 1. 19 On or about August 12, 2021, Respondent made application to the Department of 20 Real Estate of the State of California for a real estate salesperson license. 21 **CRIMINAL CONVICTIONS** 22 2. 23 On or about July 30, 2019, in the Superior Court of State of California, County of 24 Sacramento, Case Number 19MI013274, Respondent was convicted of violating Penal Code 25 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 26 Regulations") to the qualifications, functions or duties of a real estate licensee.

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

4.

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

PRIOR LICENSE DENIAL

5.

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

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GROUNDS FOR DENIAL

6.

Respondent's criminal convictions, as described above in Paragraphs 2 through 4, constitute grounds for the denial of Respondent's application for a real estate license under Sections 480(a) (conviction of crime) and 10177(b) (conviction of crime) of the Code.

WHEREFORE, Complainant prays that the above-entitled matter be set for hearing and, upon proof of the charges contained herein, that the Commissioner refuse to authorize the issuance of, and deny the issuance of, a real estate salesperson license to Respondent, and for such other and further relief as may be proper under applicable provisions of the law.

Supervising Special Investigator

Dated at Sacramento, California,

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DISCOVERY DEMAND

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