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| 1 | KYLE T. JONES, Counsel (SBN 300751) Department of Real Estate |
| 2 | Department of Real Estate P.O. BOX 137007 FFR 2 2 are |
| 3 | |
| 4 | Sacramento, CA 95813-7007 Telephone: (916) 576-8700 (916) 262-2767 (Few) |
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| 6 | (910) 370-7840 (Direct) |
| 7 | |
| 8 | BEFORE THE DEPARTMENT OF REAL ESTATE |
| 9 | STATE OF CALIFORNIA |
| 10 | * * * |
| 11 | In the Matter of the Accusation of) |
| 12 |) No. H-7192 SAC ANDRE F. JIMENEZ,) |
| 13 |) <u>ACCUSATION</u> |
| 14 | Respondent.) |
| 15 | The Complainant, TRICIA D. PARKHURST, acting in her official capacity as a |
| 16 | Supervising Special Investigator of the State of California, for this Accusation against ANDRE |
| 17 | F. JIMENEZ ("Respondent"), is informed and alleges as follows: |
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| 19 | Respondent is presently licensed and/or has license rights under the Real Estate |
| 20 | Law, Part 1 of Division 4 of the California Business and Professions Code ("Code"), as a real |
| 21 | estate salesperson. |
| 22 | 2 |
| 23 | On or about May 9, 2022, in the Superior Court of the State of California, County |
| 24 | of Sacramento, Case No. 21FE013931, Respondent was convicted of violating Section 25100(c) |
| 25 | (criminal storage of a firearm) of the California Penal Code, a misdemeanor and a crime that |
| 26 | 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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GROUNDS FOR DISCIPLINE

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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.

COST RECOVERY

The Department will seek to recover the costs 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 Department, 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.

WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against Respondent's real estate salesperson license and license rights of Respondent under the Real Estate Law, for the cost of investigation and enforcement as permitted by law, and for such other and further relief as may be proper under other provisions of law.

TRICIA D. PARKHURST

Supervising Special Investigator

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Dated at Sacramento, California,

DISCOVERY DEMAND

| Pursuant to Sections 11507.6, et seq. of the Administrative Procedure Act, the |
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| 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. |