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DEPARTMENT OF REAL ESTATE

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MEGAN LEE OLSEN, Counsel (SBN 272554)

Department of Real Estate

651 Bannon Street, Suite 507

Sacramento, CA 95811

Telephone: (916) 576-8700

(916) 263-3767 (Fax)

(916) 737-4394 (Direct)

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

ROBERT EARL OSBORNE,

Respondent.

No. H-7344 SAC

ACCUSATION

The Complainant, HEATHER NISHIMURA, acting in her official capacity as a Supervising Special Investigator of the State of California, for cause of Accusation against ROBERT EARL OSBORNE (Respondent), is informed and alleges as follows:

1

At all times herein mentioned, Respondent was and 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 (the Code) by the Department of Real Estate (the Department) as a real estate salesperson.

CRIMINAL CONVICTIONS

2

On or about June 6, 2023, in the Superior Court of California, County of Placer, Case No. 62-190399, Respondent was convicted for violation of the following:

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- 1 (a) Section 243 (e)(1) (Battery Against Spouse) of the California Penal Code;
2 (b) Section 25400 (a)(1) (Carrying Concealed Firearm Within Vehicle) of the
3 California Penal Code; and
4 (c) Section 11350 (a) (Unlawful Possession of a Controlled Substance) of the
5 California Health and Safety Code.

6 Respondent's convictions are misdemeanors and crimes which bear a substantial relationship under
7 Section 2910, Title 10, Chapter 6, California Code of Regulations (Regulations), to the
8 qualifications, functions or duties of a real estate licensee.

9 3

10 On or about January 18, 2022, in the Superior Court of California, County of Placer,
11 Case No. 62-182411, Respondent was convicted of violating Section 415.5 (a)(3) (Use of Offensive
12 Words on School Grounds) of the California Penal Code, a misdemeanor and crime which bears a
13 substantial relationship under Section 2910 of the Regulations, to the qualifications, functions or
14 duties of a real estate licensee.

15 FAILURE TO NOTIFY

16 4

17 A diligent search was made of the records of the Department, relating to
18 Respondent's real estate salesperson license No. 01398696. As a result of said search, no written
19 record was discovered of Respondent notifying the Department of any conviction.

20 GROUND FOR DISCIPLINE

21 5

22 The facts alleged above, in Paragraphs 2 and 3, constitute grounds under Sections
23 490 (Conviction of Crime) and 10177 (b) (Conviction of Crime) of the Code for suspension or
24 revocation of all licenses and license rights of Respondent under the Real Estate Law.

25 6

26 The facts alleged above, in Paragraph 4, constitute a violation of Section 10186.2
27 (a)(1)(B) and Section 10186.2 (a)(2) (Failure to Report in Writing of Conviction within 30 Days) of

1 the Code, and are grounds for the suspension or revocation of all licenses and license rights of
2 Respondent under Sections 10186.2 (b) and 10177(d) (Willful Disregard of Real Estate Laws) of the
3 Code.

4 FACTOR IN AGGRAVATION

5 7

6 On or about September 3, 2008, in the Superior Court of California, County of
7 Placer, Case No. 62-83513, Respondent was convicted of violating Section 23152 (a) (Driving
8 Under the Influence of Alcohol or Drugs) of the California Vehicle Code with an admitted
9 allegation per Section 23578 (.15% or Higher Blood Alcohol) of the California Vehicle Code.

10 COST RECOVERY

11 8

12 Section 10106 of the Code provides, in pertinent part, that in any order issued in
13 resolution of a disciplinary proceeding before the Department, the Real Estate Commissioner may
14 request the Administrative Law Judge to direct a licensee found to have committed a violation of this
15 part to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

16 WHEREFORE, Complainant prays that a hearing be conducted on the allegations of
17 this Accusation and that upon proof thereof, a decision be rendered revoking all licenses and license
18 rights of Respondent under the Real Estate Law, for the cost of investigation and
19 enforcement as permitted by law, and for such other and further relief as may be proper under other
20 provisions of law.

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23 HEATHER NISHIMURA
24 Supervising Special Investigator

25 Dated at Sacramento, California, on
26 this 20th day of September, 2024.

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