

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of:

RONALD PATRICK CASTRO, JR,
Respondent.

) DRE No. H-7397 SAC

) OAH No. 2024120216

FILED

SEP 24 2025

DEPARTMENT OF REAL ESTATE

By *[Signature]*

DECISION

The Proposed Decision dated June 17, 2025, of the Administrative Law Judge of the Office of Administrative Hearings, is hereby adopted as the Decision of the Real Estate Commissioner in the above-entitled matter.

Pursuant to Section 11517(c)(2) of the Government Code, the following corrections are made to the Proposed Decision.

1. On Page 14, Paragraph 8, "...by sending a certified letter to the Commissioner at the Department of Real Estate, Post Office Box 187000, Sacramento, CA 95818-7000" is corrected to: "...by sending a certified letter to the Commissioner at the Department of Real Estate, 651 Bannan Street, Suite 500, Sacramento, CA 95811".
2. On Page 12, Paragraph 1, "...Bureau of Real Estate" is corrected to "Department of Real Estate."

The Decision suspends or revokes one or more real estate licenses, but the right to a restricted salesperson license is granted to Respondent.

Pursuant to Government Code Section 11521, the Department of Real Estate (the 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 thirty (30) days after mailing of this Decision, or on the effective date of this Decision, whichever occurs first.

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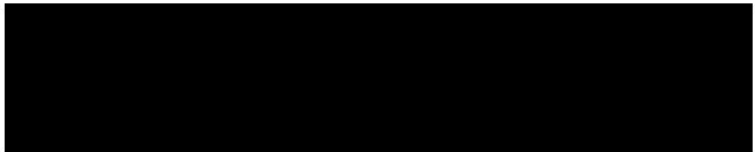
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The right to reinstatement of a revoked real estate license or to the reduction of a penalty is controlled by Section 11522 of the Government Code. A copy of Sections 11521 and 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of respondent.

This Decision shall become effective at 12 o'clock noon on OCT 15 2025.

IT IS SO ORDERED 9/24/2025

Chika Sunquist
REAL ESTATE COMMISSIONER



By: Marcus L. McCarther
Chief Deputy Real Estate Commissioner

**BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA**

FILED

JUL 16 2025

DEPARTMENT OF REAL ESTATE
By B. Nicholas

In the Matter of the Accusation Against:

RONALD PATRICK CASTRO, JR., Respondent

Agency Case No. H-7397 SAC

OAH No. 2024120216

PROPOSED DECISION

Christopher W. Dietrich, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter on June 3, 2025, by video conference from Sacramento, California.

Jessica Cheong, Staff Counsel, represented complainant Heather Nishimura, Supervising Special Investigator, Department of Real Estate (Department), State of California.

Respondent Ronald Patrick Castro, Jr., represented himself.

Evidence was received, the record closed, and the matter submitted for decision on June 3, 2025.

FACTUAL FINDINGS

Jurisdictional Matters

1. On November 25, 2002, the Department issued respondent real estate salesperson license number 01359679 (license). His license expires on November 24, 2026, unless renewed.
2. On November 6, 2024, complainant, acting solely in her official capacity, issued an Accusation against respondent. The Accusation alleges cause to discipline his license based upon (1) a conviction substantially related to the qualifications, functions, or duties of his license; and (2) failure to report the conviction to the Department. Respondent filed a timely Notice of Defense to the Accusation. This hearing followed.

September 7, 2023 Conviction

3. On September 7, 2023, in the Superior Court of California, County of Placer, Case No. 62-188471, respondent was convicted by plea of nolo contendere of violating Vehicle Code section 20001, subdivision (a), hit and run with injury or death, a misdemeanor. He was sentenced to 30 days of house arrest and one year of informal probation and ordered to pay various court fines.

4. The circumstances underlying the conviction are as follows: On June 2, 2022, respondent was driving a motor vehicle and collided with a bicyclist when making a left turn. Respondent exited his vehicle, assisted the bicyclist with moving his bicycle off the road, and left the scene without providing his name, contact information, or insurance information. The bicyclist contacted law enforcement, and the responding officer observed that the bicyclist had a swollen left wrist and minor

scrapes on his legs and ankles. He was thereafter transported to a hospital for treatment.

Failure to Report Conviction

5. Respondent admitted that he did not report his conviction to the Department in writing within 30 days. He testified that he was aware of his obligation to report convictions when applying for renewal of his license but not in other circumstances.

Respondent's Testimony

6. Respondent testified that on June 2, 2022, he hit a bicyclist with his car while making a left turn. He got out of his vehicle and assisted the bicyclist with moving his bicycle to the sidewalk. He asked the bicyclist two to three times if he was okay, and the bicyclist responded that he was. Approximately five minutes after the accident respondent left the scene without providing his full name, contact information, or insurance information. He acknowledged he was wrong to leave the scene and that he should have provided his full name, address, and insurance information before leaving the scene of the accident. He expressed remorse for his conduct and for injuring the bicyclist. He pled no contest to the criminal charges against him, complied with his house arrest and probation sentence, and paid all court ordered fines.

7. The bicyclist filed a small claims suit against respondent. Respondent reported the suit to his auto insurance company who settled the suit and paid the agreed sum in full.

8. Respondent testified that he respects his license and now understands the importance of reporting convictions to the Department. Further, he now knows to ask his broker, his colleagues, or the Department when he is unsure whether he needs to report to the Department.

9. Respondent submitted a letter from his responsible broker, Jaimi Jackson, Branch Leader at a Century 21 realty. Ms. Jackson stated that respondent is well respected by his peers, and is a focused, positive, and responsible team member within Century 21 realty. She also confirmed respondent now has a greater understanding of Department guidelines and knows to always ask questions when he is not sure what the Department requires.

Analysis

SUBSTANTIAL RELATIONSHIP

10. The Department has adopted regulations to determine whether a crime is substantially related to the qualifications, functions, or duties of a licensee. Crimes which involve "[d]oing . . . any unlawful act with the . . . threat of doing substantial injury to the . . . person or property of another . . ." are substantially related to a real estate license. (Cal. Code Regs., tit. 10, sec. 2910, subd. (a)(8).) The purpose of Vehicle Code Section 20001 is to prevent a driver involved in an accident from "attempting to avoid possible civil or criminal liability for the accident by failing to identify oneself." (*People v. Valdez* (2010) 189 Cal.App.4th 82, 87.) A hit and run conviction that causes injury is substantially related because it involves an unlawful act that involves a threat of injury to another.

FRAUD OR DISHONEST DEALING

11. The persuasive evidence did not establish that respondent's conviction constitutes fraud or dishonest dealing. Vehicle Code sections 20002 and 20003 require that a motor vehicle driver involved in an accident exchange identifying information. Failing to provide such information, in and of itself, is not dishonest and does not constitute misrepresentation of material facts. Accordingly, complainant failed to prove that respondent engaged in fraud or dishonest dealing.

WILLFUL DISREGARD OR VIOLATION OF THE REAL ESTATE LAW OR IMPLEMENTING REGULATIONS

12. The Real Estate Law (Bus. & Prof. Code, § 10000, et seq.) requires a licensee to report a conviction to the Department in writing within 30 days. (Bus. & Prof. Code, § 10186.2, subd. (a)(1)(B)(2).) Respondent willfully disregarded the Real Estate Law by failing to report his conviction to the Department in writing within 30 days.

REHABILITATION

13. The Department has adopted regulations that set forth criteria to consider in evaluating whether a licensee who has been convicted of a crime has been rehabilitated. The following criteria, set forth in California Code of Regulations, title 10, section 2912, are relevant to assessing respondent's rehabilitation:

(a) The time that has elapsed since commission of the act(s)
or offense(s):

(1) The passage of less than two years after the most recent
criminal conviction or act of the licensee that is a cause of

action in the [Department's] Accusation against the licensee is inadequate to demonstrate rehabilitation.

[1] . . . [1]

(b) Restitution to any person who has suffered monetary losses through "substantially related" acts or omissions of the licensee, or escheat to the State of these monies or other properties if the victim(s) cannot be located.

[1] . . . [1]

(e) Successful completion or early discharge from probation or parole.

[1] . . . [1]

(g) Payment of any fine imposed in connection with the criminal conviction that is the basis for revocation or suspension of the license.

[1] . . . [1]

(m) Change in attitude from that which existed at the time of the commission of the criminal acts in question as evidenced by any or all of the following:

(1) Testimony and/or other evidence of rehabilitation submitted by the licensee.

(2) Evidence from family members, friends and/or other persons familiar with the licensee's previous conduct and with subsequent attitudes and/or behavioral patterns.

[¶] . . . [¶]

(5) Absence of subsequent felony convictions, misdemeanor convictions, or other conduct that provides grounds to discipline a real estate licensee, which reflect an inability to conform to societal rules when considered in light of the conduct in question.

14. Respondent has taken steps towards rehabilitation in that he has made financial restitution to the bicyclist, paid his court fines, completed his probation, and avoided further convictions. He has support from his responsible broker, who described him as a well-respected and positive member of his team. Respondent demonstrated a change in attitude from the time of this conviction by expressing remorse for his conduct and recognizing the importance of following the laws governing his license. His responsible broker attested to his increased awareness of this law after his conviction. However, his conviction occurred less than two years ago. (Cal. Code Regs., tit. 10, § 2912, subd. (a)(1).) Further, he completed probation only one year ago. (See *In re Gossage* (2000) 23 Cal.4th 1080, 1099 [a full assessment of one's rehabilitation necessarily requires a period of evaluation after which he has completed probation].) Therefore, an inadequate amount of time has passed for him to demonstrate complete rehabilitation.

APPROPRIATE DISCIPLINE

15. Respondent's conviction and failure to report the conviction are serious. Considering all the evidence, public protection requires revoking respondent's unrestricted license. However, respondent has demonstrated that he can practice with a restricted license in a manner that is consistent with the health, safety, and welfare of the people of the State of California. Additionally, due to respondent's willful failure to disclose his conviction he will be required to take and pass the Professional Responsibility Examination to certify that he has current knowledge of the laws governing real estate salespersons.

Costs

16. Pursuant to Business and Professions Code section 10106, a respondent found to have violated the licensing act may be ordered to pay the reasonable costs of investigation and enforcement of a case. The Department incurred investigation costs of \$621.25. In support of that amount, complainant submitted her declaration, including a billing statement showing that a Special Investigator billed 7.25 hours investigating this matter and a Supervising Special Investigator billed 0.50. The Department incurred enforcement costs in the amount of \$759. In support of that amount, Ms. Cheong submitted her declaration stating that she billed 5.75 hours to prosecute this matter.

17. Respondent testified regarding his financial circumstances as follows. He works for a credit union receiving net pay of \$3,900 per month. Additionally, in 2024 he earned between \$8,000 and \$10,000 pre-tax from real estate sales commissions. He lives alone and has no dependents. He "breaks even" after his expenses.

LEGAL CONCLUSIONS

Burden and Standard of Proof

1. Complainant has the burden of proving the grounds for discipline alleged in the Accusation by clear and convincing evidence to a reasonable certainty. (*Daniels v. Dept. of Motor Vehicles* (1983) 33 Cal.3d 532, 536; *Realty Projects, Inc. v. Smith* (1973) 32 Cal.App.3d 204, 212.) Clear and convincing evidence is evidence that leaves no substantial doubt and is sufficiently strong to command the unhesitating assent of every reasonable mind. (*In re Marriage of Weaver* (1990) 224 Cal.App.3d 478, 487.)

If the complainant meets this burden, the respondent has the burden of establishing rehabilitation. (*Whetstone v. Bd. of Dental Examiners* (1927) 87 Cal.App. 156, 164; Evid. Code, § 500.) The standard of proof to demonstrate rehabilitation is a preponderance of the evidence (Evid. Code, § 115), which means "more likely than not." (*Sandoval v. Bank of America* (2002) 94 Cal.App.4th 1378, 1387.)

Causes for Discipline

CONVICTION

2. A real estate license may be disciplined if the licensee has been convicted of a substantially related crime. (Bus. & Prof. Code, §§ 490, subd. (a), & 10177, subd. (b).) Respondent's conviction is substantially related. (Cal. Code Regs., tit. 10, § 2910, subd. (a)(8).) Therefore, there is cause to discipline his license pursuant to Business and Professions Code sections 490, subdivision (a), and 10177, subdivision (b), individually and collectively.

CONDUCT CONSTITUTING FRAUD OR DISHONEST DEALING

3. Pursuant to Business and Professions Code section 10177, subdivision (j), a real estate license is subject to discipline if the licensee engaged in conduct that constitutes fraud or dishonest dealing. The evidence did not establish that respondent's conviction constituted fraud or dishonest dealing. Therefore, there is no cause to discipline his license under Business and Professions Code section 10177, subdivision (j).

FAILURE TO REPORT CONVICTION

4. Pursuant to Business and Professions Code section 10177, subdivision (d), a real estate license is subject to discipline if the licensee has willfully disregarded or violated real estate licensing laws. Pursuant to Business and Professions Code section 10186.2, subdivision (a)(1)(B), a real estate licensee is obligated to report a conviction in writing to the Department within 30 days. Respondent willfully disregarded that statute by not reporting his conviction to the Department in writing within 30 days. Therefore, there is cause to discipline his license pursuant to Business and Professions Code 10177, subdivision (d).

Conclusion

5. The objective of an administrative licensing proceeding is to protect the public. (*Fahmy v. Medical Bd. of Cal.* (1995) 38 Cal.App.4th 810, 817.) Considering all the evidence, public protection requires revoking respondent's unrestricted license and allowing him to apply for a restricted license under the conditions set forth in the order herein.

Costs

6. The Department may request the administrative law judge to direct a respondent found to have committed a violation of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case. (Bus. & Prof. Code §10106, subd. (a).) "A certified copy of the actual costs, or a good faith estimate of costs where actual costs are not available, signed by the commissioner or the commissioner's designated representative, shall be prima facie evidence of reasonable costs of investigation and prosecution of the case. The costs shall include the amount of investigative and enforcement costs up to the date of the hearing" (*Id.* at subd. (c).)

7. The Department may prove its reasonable costs by submitting "[d]eclarations that contain specific and sufficient facts to support findings regarding actual costs incurred and the reasonableness of the costs." (Cal. Code Regs., tit. 1, § 1042, subd. (b).) "For services provided by a regular agency employee, the [d]eclaration may be executed by the agency or its designee and shall describe the general tasks performed, the time spent on each task and the method of calculating the cost." (*Id.* at subd. (b)(1).)

8. In *Zuckerman v. State Board of Chiropractic Examiners* (2002) 29 Cal.4th 32 (*Zuckerman*), the California Supreme Court set forth guidelines for determining whether the costs should be assessed under statutes similar to Business and Professions Code section 10106. These factors are whether: (1) respondent was successful in getting charges dismissed or reducing the penalty; (2) he had a subjective good faith belief in the merits of his position; (3) he raised a colorable challenge to the proposed discipline; (4) he has the financial ability to make payments; and (5) the scope of the investigation was appropriate to the alleged misconduct.

9. Complainant introduced prima facie evidence that the \$1,380.25 in costs incurred by the Department's investigators and attorney is reasonable. (Bus. & Prof. Code, §10106, subd. (c); Cal. Code Regs., tit. 10, § 1042, subd. (b)(1).) Respondent did not rebut that evidence. He did not bring a colorable challenge to the proposed discipline and was unsuccessful in getting charges dismissed. Although respondent's unrestricted license was revoked, he was successful obtaining the reduced penalty of being able to apply for a restricted license. He has the financial ability to pay the costs sought. In applying all the *Zuckerman* factors, respondent shall be ordered to pay costs in the amount of \$1,200.

ORDER

1. All licenses and licensing rights of respondent Ronald Patrick Castro, Jr., under the Real Estate Law are REVOKED; provided, however, a restricted real estate salesperson license shall be issued to respondent pursuant to Section 10156.5 of the Business and Professions Code if respondent makes application therefor and pays to the Bureau of Real Estate (Department) the appropriate fee for the restricted license within 90 days from the effective date of this Decision. The restricted license issued to respondent shall be subject to all the provisions of Section 10156.7 of the Business and Professions Code and to the following limitations, conditions and restrictions imposed under authority of Section 10156.6 of that Code:

2. The restricted license issued to respondent may be suspended prior to hearing by Order of the Real Estate Commissioner (Commissioner) in the event of respondent's conviction or plea of nolo contendere to a crime which is substantially related to respondent's fitness or capacity as a real estate licensee.

3. The restricted license issued to respondent may be suspended prior to hearing by Order of the Commissioner on evidence satisfactory to the Commissioner that respondent has violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner, or conditions attaching to the restricted license.

4. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor for the removal of any of the conditions, limitations or restrictions of a restricted license until two years have elapsed from the effective date of this Decision.

5. Respondent shall submit with any application for license under an employing broker, or any application for transfer to a new employing broker, a statement signed by the prospective employing real estate broker on a form approved by the Department of Real Estate which shall certify:

(a) That the employing broker has read the Decision of the Commissioner which granted the right to a restricted license; and

(b) That the employing broker will exercise close supervision over the performance by the restricted licensee relating to activities for which a real estate license is required.

6. Respondent shall, within nine months from the effective date of this Decision, present evidence satisfactory to the Commissioner that respondent has, since the most recent issuance of an original or renewal real estate license, taken and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate license. If respondent fails to satisfy this condition, the Commissioner may order the suspension of the restricted

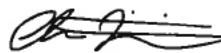
license until respondent presents such evidence. The Commissioner shall afford respondent the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence.

7. Respondent shall, within six months from the effective date of this Decision, take and pass the Professional Responsibility Examination administered by the Department including the payment of the appropriate examination fee. If respondent fails to satisfy this condition, the Commissioner may order suspension of respondent's license until respondent passes the examination.

8. Respondent shall notify the Commissioner in writing within 72 hours of any arrest by sending a certified letter to the Commissioner at the Department of Real Estate, Post Office Box 187000, Sacramento, CA 95818-7000. The letter shall set forth the date of respondent's arrest, the crime for which he was arrested, and the name and address of the arresting law enforcement agency. Respondent's failure to timely file written notice shall constitute an independent violation of the terms of the restricted license and shall be grounds for the suspension or revocation of that license.

9. Respondent shall pay the Department \$1,200 in costs within 30 days of the effective date of this Decision, or pursuant to a payment plan approved by the Commissioner.

DATE: June 17, 2025



Christopher W. Dietrich (Jun 17, 2025 11:29 PDT)

CHRISTOPHER W. DIETRICH

Administrative Law Judge

Office of Administrative Hearings