

BEFORE THE DEPARTMENT OF REAL ESTATE

FILED

STATE OF CALIFORNIA

AUG 17 2026

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DEPARTMENT OF REAL ESTATE

By B dew

In the Matter of the Accusation of:) DRE No. H-7474 SAC
SHELBY JACQUELINE GAMESON,) OAH No. 2025110499
Respondent.)

DECISION

The Proposed Decision dated July 07, 2026, 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 Government Code Section 11521, the Department of Real Estate 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 the mailing of this Decision, or on the effective date of this Decision, whichever occurs first. 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 SEP 08 2026.

IT IS SO ORDERED August 13, 2026.

CHIKA SUNQUIST
REAL ESTATE COMMISSIONER

By: 
Chika Sunquist
Real Estate Commissioner

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

In the Matter of the Accusation Against:

SHELBY JACQUELINE GAMESON, Respondent

Agency Case No. H-7474 SAC

OAH No. 2025110499

PROPOSED DECISION

Patrice De Guzman Huber, Administrative Law Judge (ALJ), Office of Administrative Hearings (OAH), State of California, heard this matter by videoconference on June 25, 2026, from Sacramento, California.

Jack Gonzalez, Jr., Counsel, represented complainant Heather Nishimura, Supervising Special Investigator of the Department of Real Estate (Department), State of California.

Geoffrey A. Sutliff, Esq., represented respondent Shelby Jacqueline Gameson, who appeared.

Evidence was received, the record closed, and the matter submitted for decision on June 25, 2026.

FACTUAL FINDINGS

Jurisdictional Matters

1. On January 7, 2023, the Department issued respondent salesperson license no. 02199512. The license will expire on January 6, 2027, unless renewed.

2. On October 8, 2025, complainant, in her official capacity, signed and thereafter filed an Accusation seeking to discipline respondent's license based on: (1) her 2024 conviction for violating Penal Code section 32, accessory; and (2) her failure to notify the Department within 30 days of any felony complaint, indictment, or information or any conviction.

3. Respondent filed a timely Notice of Defense and requested a hearing. The matter was set for an evidentiary hearing before an ALJ of the OAH, an independent adjudicative agency of the State of California, pursuant to Government Code section 11500 et seq.

Criminal Complaint and Conviction

4. On January 25, 2024, in the Superior Court of the State of California, El Dorado County, Case No. 24CR0269, the District Attorney filed a criminal complaint against respondent, also known as Shelby Jacqueline Boyer, and Logan Scott Gameson, charging both with violating Penal Code section 273a, subdivision (a), child abuse likely to cause great bodily injury or death, a felony.

5. On September 30, 2024, the District Attorney amended the criminal complaint to add a charge against respondent of violating Penal Code section 32, accessory, a misdemeanor.

6. On October 4, 2024, the charge of violating Penal Code section 273a, subdivision (a), against respondent was dismissed, and respondent was convicted on a no contest plea to violating Penal Code section 32, a misdemeanor. The court suspended imposition of sentence and placed respondent on three years of summary probation, with terms and conditions including: one day in jail, deemed served; payment of fines, fees and restitution; and completion of a 52-week child abuse treatment counseling program. Respondent complied with the terms of probation. On May 4, 2026, the conviction was dismissed under Penal Code section 1203.4.

Respondent's Evidence

7. Respondent testified. She admits she failed to timely notify the Department of the filing of the criminal complaint against her in January 2024 and of her conviction in October 2024. On December 2, 2024, respondent submitted to the Department an Interview Information Statement, in which she disclosed her conviction.

8. Respondent explained that at the time of her criminal charge and conviction, she was still a new licensee and not aware she was required to make a notification. She does not recall learning about that requirement while studying to become a licensee. Nevertheless, she now knows she must notify the Department of criminal charges and convictions.

9. Since she became licensed, respondent has been employed by Diamond Quality Real Estate. Her employer is aware of her conviction. There is no evidence of any issues with her practice or any discipline by her employer. Further, respondent provided letters of support by colleagues and reviews by clients. The authors collectively praise respondent's professionalism, competence, and positive attitude. Respondent also provided awards she received from the Stanford Sierra Youth &

Families organization for "Teamwork, Collaboration" and "Dedication, Passion, Persistence."

10. Respondent testified regarding the underlying circumstances of her conviction, including statements she made to a social worker and law enforcement. However, as discussed further below, this portion of her testimony is not necessary to this Decision.

Analysis

SUBSTANTIAL RELATIONSHIP OF CONVICTION TO PRACTICE

11. Complainant alleges respondent's conviction of Penal Code section 32, accessory, is substantially related to the qualifications, functions, or duties of a real estate licensee. At hearing, complainant argued the substantial relationship is based on (1) the use of "bribery, fraud, deceit, falsehood[,] or misrepresentation to achieve an end" and (2) the doing of an unlawful act "with the intent or threat of doing substantial injury to the person . . . of another." (Cal. Code Regs., tit. 10, § 2910, subds. (a)(4) & (8).)

12. Penal Code section 32 states:

Every person who, after a felony has been committed, harbors, conceals or aids a principal in such felony, with the intent that said principal may avoid or escape from arrest, trial, conviction or punishment, having knowledge that said principal has committed such felony or has been charged with such felony or convicted thereof, is an accessory to such felony.

The elements of the crime are not specifically related to the use of "bribery, fraud, deceit, falsehood[,] or misrepresentation" or "the intent or threat of doing substantial injury to the person . . . of another." Consequently, respondent's conviction is not substantially related to a licensee's practice and thus cannot form the basis for discipline.

FRAUD OR DISHONEST DEALING

13. The Accusation alleges "[t]he facts alleged in Paragraph 3" establish cause to discipline respondent's license based on "conduct . . . that constitutes fraud or dishonest dealing," under Business and Professions Code section 10177, subdivision (j). Paragraph 3 details only respondent's conviction, not her conduct. Paragraph 3 states no allegations regarding the conviction's underlying circumstances.

14. An accusation "shall set forth in ordinary and concise language the acts or omissions with which the respondent is charged, to the end that the respondent will be able to prepare their defense." (Gov. Code, § 11503, subd. (a).) Here, the Accusation lacks specificity. Paragraph 3 pleads no facts specific to respondent's alleged conduct constituting fraud or dishonest dealing. Therefore, this allegation does not satisfy the pleading requirements of Government Code section 11503, subdivision (a), and must be dismissed, as set forth in the Legal Conclusions below.

FAILURE TO NOTIFY DEPARTMENT

15. A licensee is required to notify the Department within 30 days of a felony complaint and within 30 days of any conviction. (Bus. & Prof. Code, § 10186.2, subds. (a)(1)(A)–(B) & (b).) It is undisputed respondent failed to do so. Her explanation that she was an inexperienced licensee at the time who was not aware of the notification

requirement is no excuse. On balance, cause for discipline exists based on respondent's failure to notify the Department.

APPROPRIATE DISCIPLINE

16. Once complainant proves cause to discipline respondent's license, the Commissioner must then select the appropriate discipline while considering whether respondent demonstrated rehabilitation. (Bus. & Prof. Code, § 482, subd. (b)(2).) Here, respondent's failure to timely notify the Department of the criminal charge and of her conviction is serious. The Department must ensure its licensees practice in a manner consistent with public protection. To that end, licensees are required to keep the Department apprised of certain updates, including alleged criminal conduct and convictions. Respondent's failure to timely notify the Department hindered it from ensuring the public is protected.

17. However, to respondent's credit, there is no evidence she intended to hide her criminal history. She ultimately notified the Department in December 2024, two months after her conviction. While she explained she was not aware of the notification requirement, she now knows she must keep the Department updated on similar events. Further, respondent has disclosed her conviction to her employer and has remained employed. There is no evidence of any issues with practice as a licensee, and she is well regarded by her colleagues and clients.

Rehabilitation is a "state of mind" and the law looks with favor upon one who has achieved "reformation and regeneration" with the reward of the opportunity to serve. (*Pacheco v. State Bar* (1987) 43 Cal.3d 1041, 1058.) Here, respondent has demonstrated she has learned her lesson. The evidence does not suggest a failure to

notify the Department will recur. At hearing, complainant in her argument also recognized respondent's rehabilitation.

18. The objective of license discipline is to protect the public, not punish a licensee. (See *Fahmy v. Medical Bd. of Cal.* (1995) 38 Cal.App.4th 810, 817.) When all the evidence is considered, revocation or imposing probation is not warranted and would be unduly punitive. The public would be adequately protected by issuing a public reproof.

A public reproof is not a "free pass." It constitutes the Department's formal criticism and censure of an errant licensee and reminds the licensee that engaging in the same or similar conduct may result in more serious consequences. It also provides notice to the public of the nature and extent of a licensee's wrongdoing. Thus, respondent shall be publicly reproofed.

Costs

19. The Department seeks reimbursement of its costs. Its investigation costs are \$483, supported by a Certified Statement of Investigation Costs. Its enforcement costs are \$600, supported by a Certified Statement of Costs by Mr. Gonzalez. The total costs incurred are \$1,083.

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. (*Realty Projects, Inc. v. Smith* (1973) 32 Cal.App.3d 204, 212.) Clear and convincing

evidence 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.) If complainant meets this burden, rehabilitation is akin to an affirmative defense; consequently, the burden of proof of establishing an affirmative defense is on respondent. (*Whetstone v. Bd. of Dental Examiners* (1927) 87 Cal.App. 156, 164.)

Applicable Law

2. The Commissioner may discipline a licensee for a conviction that is substantially related to the qualifications, functions, or duties of a real estate licensee, notwithstanding a dismissal under Penal Code section 1203.4. (Bus. & Prof. Code, §§ 480 & 10177, subd. (b)(1).)

3. The Commissioner may discipline a licensee for engaging in conduct that constitutes fraud or dishonest dealing. (Bus. & Prof. Code, § 10177, subd. (j).)

4. The Commissioner may discipline a licensee for violating the rules and regulations relating to the practice of real estate. (Bus. & Prof. Code, § 10177, subd. (d).) These rules and regulations include a requirement for a licensee to report to the Department, in pertinent part, the filing of a criminal complaint, information, or indictment charging a felony and any conviction. (*Id.* at § 10186.2, subds. (a)(1)(A)–(B).) The licensee must make this report to the Department within 30 days of the felony indictment or any conviction. (*Id.* at § 10186.2, subd. (b).)

Causes for Discipline

5. When all the evidence is considered, as discussed above, respondent's conviction of Penal Code section 32, accessory, is not substantially related to the

qualifications, functions, or duties of a licensee. Thus, cause for discipline does not exist on that basis under Business and Professions Code sections 480 and 10177, subdivision (b)(1).

6. As discussed above, the allegation respondent engaged in conduct that constitutes fraud or dishonest dealing is dismissed for failure to satisfy the pleading requirements of Government Code section 11503, subdivision (a).

7. It is undisputed respondent failed to timely notify the Department of the filing of the criminal complaint against her and of her conviction, in violation of Business and Professions Code section 10186.2, subdivisions (a)(1)(A), (B), and (b). Thus, cause for discipline exists under Business and Professions Code section 10177, subdivision (d).

Appropriate Discipline

8. When all the evidence is considered, as discussed above, the appropriate discipline is to issue a public reproof.

Costs

9. The Department may request the ALJ to direct a respondent to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case. (Bus. & Prof. Code, § 10106.)

10. 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 in the particular circumstances of each case. These factors are: (1) whether respondent was successful in getting charges dismissed or reducing the penalty; (2) whether respondent had a subjective good faith belief in

the merits of his position; (3) whether respondent raised a colorable challenge to the proposed discipline; (4) whether respondent has the financial ability to make payments; and (5) whether the scope of the investigation was appropriate to the alleged misconduct. Upon consideration of the *Zuckerman* factors, the full amount of costs shall be awarded.

ORDER

1. Shelby Jacqueline Gameson is hereby PUBLICLY REPROVED.
2. Within 90 days of the effective date of this Decision or according to a payment plan approved by the Department, Shelby Jacqueline Gameson shall reimburse the Department the sum of \$1,083 for its costs in investigating and enforcing this matter, pursuant to Business and Professions Code section 10106.

DATE: July 7, 2026



PATRICE DE GUZMAN HUBER

Administrative Law Judge

Office of Administrative Hearings