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BUREAU OF REAL ESTATE

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BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of

MICHAEL ANTHONY McHUGH,

Respondent.

No. H-11773 SF

ACCUSATION

The Complainant, ROBIN S. TANNER, in her official capacity as a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against Respondent MICHAEL ANTHONY McHUGH (hereinafter "Respondent"), is informed and alleges as follows:

1

Respondent 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) (hereinafter "the Code") as a real estate broker.

2

On or about August 28, 2013, in the Superior Court of the State of California, County of Contra Costa, Case No. 01-162485-7, Respondent was convicted upon a plea of no contest, to violating Section 23152(a) of the Vehicle Code (DUI), and Section 20002(a) of the

1 Vehicle Code (Hit-and-Run, Property Damage), both misdemeanors, and crimes which bear a
2 substantial relationship under Section 2910, Title 10 of the California Code of Regulations, to the
3 qualifications, functions, or duties of a real estate licensee.

4 3

5 Pursuant to Section 10186.2 of the Code, effective January 1, 2012, a licensee
6 shall report in writing to the Bureau the bringing of an indictment or information charging a
7 felony against the licensee, and the conviction of a licensee, including any verdict of guilty, or
8 plea of guilty or no contest, of any felony or misdemeanor, within thirty (30) days of the date of
9 the filing of the indictment or information, and conviction, verdict or plea. Respondent failed to
10 report the misdemeanor convictions identified in paragraph 2, above, in writing to the Bureau
11 within the time required by Section 10186.2 of the Code. Such failures, individually and
12 collectively, constitute grounds for the suspension or revocation of all licenses and license rights
13 of Respondent pursuant to Section 10177(d) (willful disregard or violation of the Real Estate
14 Law) of the Code, in conjunction with Section 10186.2 of the Code.

15 4

16 Respondent's convictions identified in paragraph 2, above, constitute cause
17 under Sections 490 (Conviction of Crime) and 10177(b) (Conviction of Crime Substantially
18 Related to Qualifications, Functions or Duties of Real Estate Licensee) of the Code for the
19 suspension or revocation of all licenses and license rights of Respondent under the Real Estate
20 Law.

21 Matters in Aggravation

22 5

23 On or about September 16, 2008, in the Superior Court of the State of California,
24 County of Contra Costa, Case No. 01-138227-4, Respondent was convicted upon a plea of no
25 contest, to violating Section 23152(a) of the Vehicle Code (DUI), a misdemeanor, while
26 admitting one prior DUI conviction.

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On or about November 8, 2000, in the Superior Court of the State of California, County of Contra Costa, Case No. 01-112982-4, Respondent was convicted upon a plea of no contest, to violating Section 23152(a) of the Vehicle Code (DUI), a misdemeanor.

In or about 1976, in the Superior Court of the State of California, County of Santa Cruz, Respondent was convicted of violating Section 23152(a) of the Vehicle Code (DUI), a misdemeanor.

In or about 1974, in the Superior Court of the State of California, County of San Joaquin, Respondent was convicted of violating Section 23152(a) of the Vehicle Code (DUI), a misdemeanor.

Cost Recovery

Section 10106 of the Code provides, in pertinent part, that in any order issued in resolution of a disciplinary proceeding before the Bureau, 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 revoking all licenses and license rights of Respondent under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code), 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.



ROBIN S. TANNER
Deputy Real Estate Commissioner

Dated at Oakland, California,

this 23rd day of October, 2014.