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FILED

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BUREAU OF REAL ESTATE

By S. Black

8 BEFORE THE BUREAU OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12)
13 THOMAS HALSTED PERSONS,)
14 Respondent.)

No. H- 11811 SF

ACCUSATION

15 The Complainant, ROBIN S. TANNER, in her official capacity as a Deputy Real
16 Estate Commissioner of the State of California, brings this Accusation against Respondent
17 THOMAS HALSTED PERSONS ("Respondent"), and is informed and alleges as follows:

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19 Respondent is presently licensed by the Bureau of Real Estate¹ and/or has license
20 rights under the Real Estate Law (Part 1 of Division 4 of the California² Business and
21 Professions Code) ("the Code") as a real estate salesperson.

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26 ¹ Effective July 1, 2013, the Department of Real Estate has become the Bureau of Real Estate pursuant to the
27 Governor's Reorganization Plan of 2012. All references to the Bureau of Real Estate include its predecessor
Department of Real Estate.

² All references are to California Codes and Regulations, unless otherwise stated.

On or about May 28, 2013, a criminal complaint was filed against Respondent in the Superior Court of the State of California, County of Napa, Case No. CR166148, charging Respondent with a violation of Section 11358 of the Health and Safety Code (cultivating marijuana), a felony, and three misdemeanor charges. Shortly thereafter and no later than July 12, 2013, Respondent was served with the criminal complaint, and therefore had notice of having been charged with a felony.

On or about July 12, 2013, in the Superior Court of the State of California, County of Napa, Case No. CR166148, Respondent was convicted upon a plea of no contest, to violating Section 11360(b) of the Health and Safety Code (unlawfully give away or transport marijuana), and Section 382 of the Penal Code (adulteration of food with the fraudulent intent to offer), both misdemeanors and crimes which bear a substantial relationship under Section 2910, Title 10 of the Code of Regulations to the qualifications, functions, or duties of a real estate licensee.

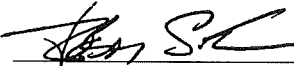
Pursuant to Section 10186.2 of the Code, effective January 1, 2012, a licensee shall report in writing to the Bureau the bringing of an indictment or information charging a felony against the licensee, and the conviction of a licensee, including any verdict of guilty, or plea of guilty or no contest, of any felony or misdemeanor, within thirty (30) days of the date of the filing of the indictment or information, and conviction, verdict or plea. Respondent failed to report the felony charge identified in paragraph 2, above, and the misdemeanor convictions identified in paragraph 3, above, in writing to the Bureau within the time required by Section 10186.2 of the Code. Such failures, independently and collectively, constitute grounds for the suspension or revocation of all licenses and license rights of Respondent under the Real Estate Law pursuant to Section 10177(d) of the Code, in conjunction with Section 10186.2 of the Code.

Respondent's convictions identified in paragraph 3, above, constitute grounds under Sections 490 and 10177(b) of the Code for the suspension or revocation of all licenses and license rights of Respondent under the Real Estate Law.

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 4th day
of February, 2015.

DISCOVERY DEMAND

Pursuant to Sections 11507.6, *et seq.* of the *Administrative Procedure Act*, the Bureau hereby makes demand for discovery pursuant to the guidelines set forth in the *Administrative Procedure Act*. Failure to provide Discovery to the Bureau may result in the exclusion of witnesses and documents at the hearing or other sanctions that the Office of Administrative Hearings deems appropriate.