

FILED

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BUREAU OF REAL ESTATE

By S. Black

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BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of

DANIEL JOSEPH SHAW,

Respondent.

No. H-11813 SF

ACCUSATION

The Complainant, ROBIN S. TANNER, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against DANIEL JOSEPH SHAW (Respondent), is informed and alleges as follows:

1

The Complainant, ROBIN S. TANNER, a Deputy Real Estate Commissioner of the State of California, makes this Accusation in her official capacity.

2

Respondent is presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code (Code) as a real estate broker.

3

On or about April 30, 2014, in the Superior Court of the State of California, County of Santa Clara, Case No. C1234792, Respondent was convicted of two counts Section 484/487(a) the California Penal Code (Grand Theft), felonies which bear a substantial

1 relationship under Section 2910, Title 10, of the California Code of Regulations (Regulations) to  
2 the qualifications, functions or duties of a real estate licensee.

3 4

4 The facts alleged in Paragraph 3 constitute grounds under Sections 490  
5 and 10177(b) of the Code for suspension or revocation of all licenses and license rights of  
6 Respondent under Part 1 of Division 4 of the Code.

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8 At no time did Respondent provide notice of the conviction referenced in  
9 Paragraph 3 to the Bureau as required by Section 10186.2 of the Code.

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11 The facts alleged in Paragraph 5 constitute cause under Sections 10177(d) and  
12 10186.2 of the Code for suspension or revocation of Respondent's license under the Real Estate  
13 Law.

14 PRIOR DISCIPLINE

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16 Effective May 21, 2004, in Case No. H-8634 SF, the Real Estate Commissioner  
17 suspended Respondent's real estate broker licenses for violating Sections 10145(b), 10232.2,  
18 10234(a), 10234(c) of the Code in conjunction with Section 10177(d) of the Code.

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20 Effective January 27, 2014, in Case No. H-11483 SF, the Real Estate  
21 Commissioner suspended Respondent's real estate broker licenses for violating Sections  
22 10234(c), 10232.4, 10238(h)(3), 10159.2, and 10186.2 of the Code and Sections 2834 and 2725  
23 of the Regulations in conjunction with Section 10177(d) of the Code and Section 10177(h) of the  
24 Code.

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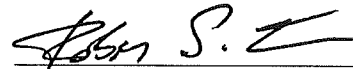
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1 COST RECOVERY

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3 Section 10106 of the Code provides, in pertinent part, that in any order issued in  
4 resolution of a disciplinary proceeding before the Bureau, the Commissioner may request the  
5 Administrative Law Judge to direct a licensee found to have committed a violation of this part to  
6 pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

7 WHEREFORE, Complainant prays that a hearing be conducted on the allegations  
8 of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary  
9 action against all licenses and license rights of Respondent under the Code, for the cost of  
10 investigation and enforcement as permitted by law, and for such other and further relief as may  
11 be proper under the provisions of law.

12 

13 ROBIN S. TANNER  
14 Deputy Real Estate Commissioner

15 Dated at Oakland, California,  
16 this 5<sup>th</sup> day of February, 2015

17 DISCOVERY DEMAND

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