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**FILED**

APR 27 2015

BUREAU OF REAL ESTATE

By A. Haakenson

8 BEFORE THE  
9 BUREAU OF REAL ESTATE  
10 STATE OF CALIFORNIA

11 \* \* \*

12 In the Matter of the Accusation of )

13 KYLE P. ALGEO, )

14 Respondent. )

No. H-11842 SF

ACCUSATION

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

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

23 2

24 On or about January 30, 2013, in the Superior Court of the State of California,  
25 County of Marin, Case No. SC181156A, Respondent was convicted of violating Section  
26 245(a)(4) of the California Penal Code (assault by means likely to cause great bodily injury),  
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<sup>1</sup> Effective July 1, 2013, by mandate of reorganization within the Department of Consumer Affairs for the State of California, the "Department of Real Estate" is now recognized as the "Bureau of Real Estate."

1 a felony and a crime which bears a substantial relationship under Section 2910, Title 10 of the  
2 California Code of Regulations to the qualifications, functions, or duties of a real estate  
3 licensee.<sup>2</sup>

4 3

5 Respondent's conviction identified in Paragraph 2, above, constitutes cause  
6 under Sections 490 (Conviction of Crime) and 10177(b) (Conviction of Crime Substantially  
7 Related to Qualifications, Functions or Duties of a Real Estate Licensee) of the Code for the  
8 suspension or revocation of all licenses and license rights of Respondent under the Real Estate  
9 Law.

10 4

11 On or about March 2, 2015, a diligent search was made of the records of the  
12 Bureau relating to Respondent's Real Estate Salesperson License No. 01805395. As a result of  
13 said search, no record was discovered having been received from Respondent notifying the  
14 Bureau, in writing, of any conviction of Respondent, including any verdict of guilty, plea of  
15 guilty, or plea of *nolo contendere* of any felony or misdemeanor.

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17 The facts alleged in Paragraph 4, above, indicate Respondent's failure to  
18 comply with Sections 10186.2(a)(1)(b) and 10186.2(a)(2) (failure to report in writing to the  
19 Bureau any conviction of a felony or misdemeanor within 30 days) of the Code, and  
20 constitute cause under Section 10177(d) (willful disregard or violation of the Real Estate  
21 Law) of the Code for revocation of all licenses and license rights of Respondent under the  
22 Real Estate Law.

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<sup>2</sup> Pursuant to California Penal Code Sections 17(b), Respondent's conviction was ordered reduced to a misdemeanor effective July 1, 2014.

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 Real Estate Commissioner may  
5 request the Administrative Law Judge to direct a licensee found to have committed a violation of  
6 this part to pay a sum not to exceed the reasonable costs of the investigation and enforcement of  
7 the case.

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

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16 ROBIN S. TANNER  
17 Deputy Real Estate Commissioner

18 Dated at Oakland, California,  
19 this 27<sup>th</sup> day of March, 2015

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22 DISCOVERY DEMAND

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