

FILED

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BUREAU OF REAL ESTATE

By M. Roberts

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BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of

JUSTIN BARTON,

Respondent.

No. H- 12075 SF

ACCUSATION

The Complainant, ROBIN S. TANNER, acting in her official capacity as a
Supervising Special Investigator of the State of California, for cause of Accusation against
JUSTIN BARTON (Respondent), is informed and alleges as follows:

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At all times herein mentioned, Respondent was and 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 (the Code) by the Bureau of Real Estate (the Bureau) as a real estate
salesperson, whose license expired on September 25, 2016.

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On or about July 23, 2015, in the Superior Court of the State of California,
County of Sonoma, Case No. SCR666303, Respondent was convicted of violating Section
11377 (Possession of a Controlled Substance) of the California Health and Safety Code, a
misdemeanor and a crime which bears a substantial relationship under Section 2910, Title 10, of

1 the California Code of Regulations (Regulations) to the qualifications, functions or duties of a
2 real estate licensee.

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4 On or about June 30, 2016, in the Superior Court of the State of California,
5 County of Sonoma, Case No. SCR-668773, Respondent was convicted of violating Section 459
6 (Burglary) of the California Penal Code, a felony and a crime which bears a substantial
7 relationship under Section 2910 of the Regulations to the qualifications, functions or duties of a
8 real estate licensee.

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10 On or about June 30, 2016, in the Superior Court of the State of California,
11 County of Sonoma, Case No. SCR-668795, Respondent was convicted of violating Section
12 10851 (a) (Unlawful Driving/Taking of Vehicle), a felony, and Section 23152 (e) (Driving
13 Under the Influence of Alcohol), a misdemeanor, of the California Vehicle Code, crimes which
14 bear a substantial relationship under Section 2910 of the Regulations to the qualifications,
15 functions or duties of a real estate licensee.

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17 On or about June 30, 2016, in the Superior Court of the State of California,
18 County of Sonoma, Case No. SCR-668643, Respondent was convicted of violating Section 215
19 (a) (Carjacking) of the California Penal Code, a felony and a crime which bears a substantial
20 relationship under Section 2910 of the Regulations to the qualifications, functions or duties of a
21 real estate licensee.

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23 On or about January 4, 2017, in the Superior Court of the State of California,
24 County of Marin, Case No. SC194025, Respondent was convicted of violating Section 496d (a)
25 (Receiving a Stolen Vehicle), a felony, and Section 484 (a) (Petty Theft), a misdemeanor, of the
26 California Penal Code, crimes which bear a substantial relationship under Section 2910 of the
27 Regulations to the qualifications, functions or duties of a real estate licensee.

A diligent search was made of the records of the Bureau, relating to Respondent's real estate salesperson license No. 01849733. As a result of said search, no written record was discovered of Respondent notifying the Bureau of any conviction.

The facts alleged above, in Paragraphs 2 through 6, constitute grounds under Sections 490 and 10177(b) (conviction of a crime) of the Code for suspension or revocation of all licenses and license rights of Respondent under the Real Estate Law.

The facts alleged above, in Paragraphs 2 through 7, constitute a violation of Section 10186.2 (a)(1)(B) and Section 10186.2 (a) (2) (failure to report in writing, conviction within 30 days) of the Code and are grounds for the suspension or revocation of all licenses and license rights of Respondent under Sections 10186.2 (b) and 10177(d) (willful disregard or violation of Real Estate Law) of the Code.

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, for the cost of investigation and

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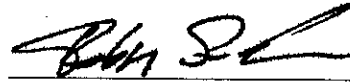
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1 enforcement as permitted by law, and for such other and further relief as may be proper under
2 other provisions of law.

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5 ROBIN S. TANNER
6 Supervising Special Investigator

7 Dated at Oakland, California, on
8 this 12th day of April, 2017.

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10 DISCOVERY DEMAND

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