

1 RICHARD K. UNO, Counsel III (SBN 98275)
2 Bureau of Real Estate
3 P.O. Box 137007
4 Sacramento, CA 95813-7007

5 Telephone: (916) 263-8670
6 (916) 263-3767 (Fax)
7 (916) 263-8679 (Direct)

FILED

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BUREAU OF REAL ESTATE

By H. Diaz

8 BEFORE THE BUREAU OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)

12 MICHAEL ANTHONY QUINTANA,)

13 Respondent.)

No. H-12238 SF

ACCUSATION

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15 The Complainant, ROBIN S. TANNER, a Supervising Special Investigator of
16 the State of California, for cause of Accusation against MICHAEL ANTHONY QUINTANA,
17 (Respondent), is informed and alleges as follows:

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19 The Complainant makes this Accusation in her official capacity.

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21 At all times herein mentioned, Respondent was and is presently licensed and/or
22 has license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and
23 Professions Code (the Code) by the Bureau of Real Estate (the Bureau) as a real estate
24 salesperson, whose license has at all times mentioned herein since March 1, 2016 been, and now
25 is, a restricted real estate salesperson license subject to terms, conditions and restrictions
26 pursuant to Sections 10156.6 and 10156.7 of the Code.

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2 On or about June 6, 2017, in the Superior Court of California, County of Santa
3 Clara, Case No. C1653977, Respondent was convicted of violating Section 23152(b) of the
4 California Vehicle Code (driving while under the influence of alcohol or drugs), a misdemeanor
5 and a crime which bears a substantial relationship under Section 2910, Title 10, California Code
6 of Regulations (Regulations), to the qualifications, functions, or duties of a real estate licensee.

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8 On or about September 1, 2016, in the Superior Court of California, County of
9 Santa Clara, Case No. 1636981, Respondent was convicted of violating Section 12500(a) of the
10 California Vehicle Code (driving with a suspended license), a misdemeanor and a crime which
11 bears a substantial relationship under Section 2910 of the Regulations to the qualifications,
12 functions, or duties of a real estate licensee.

13 MATTERS IN AGGRAVATION

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15 On or about August 14, 2012, in the Superior Court of the State of California,
16 County of Santa Clara, Case No. C 1227398, Respondent was convicted of violating Section
17 484/488 of the California Penal Code (petty theft), a misdemeanor.

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19 On or about November 2, 2011, in the Superior Court of the State of California,
20 County of Santa Clara, Case No. 1118939, Respondent was convicted of violating Section
21 242/243(e) of the California Penal Code (battery on spouse, cohabitant, etc.), a misdemeanor.

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23 On or about February 25, 2011, in the Superior Court of the State of California,
24 Santa Clara County, Case C1088929, Respondent was convicted of violating Section 23152(b) of
25 the California Vehicle Code (driving under the influence of alcohol or a drug), a misdemeanor.

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On or about August 20, 2007, in the Superior Court of the State of California, Contra Costa County, Case No. 01-132312-0, Respondent was convicted of violating Section 23152(a) of the California Vehicle Code (driving under the influence of alcohol or a drug), a misdemeanor.

The facts alleged in Paragraphs 3 and 4, above, constitute cause under Sections 490 (conviction of substantially related crime) and 10177(b) (further grounds for disciplinary action- conviction of crime) of the Code for suspension or revocation of all licenses and license rights of Respondent under the Real Estate Law.

A diligent search was made of the records of the Bureau of Real Estate (Bureau), relating to Respondent's Real Estate Salesperson License. As a result of said search, no record was discovered having been received from Respondent notifying the Bureau, in writing, of the convictions set forth above, in Paragraphs 3 and 4.

The facts alleged above, in Paragraphs 3, 4 and 10, constitute a violation of Section 10186.2 (failure to report in writing, a conviction within 30 days) of the Code, and are grounds for revocation of all licenses and license rights of Respondent under Section 10177(d) of the Code

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.

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1 WHEREFORE, Complainant prays that a hearing be conducted on the
2 allegations of this Accusation and that upon proof thereof, a decision be rendered imposing
3 disciplinary action against all licenses and license rights of Respondent under the Code, for the
4 reasonable costs of investigation and prosecution of this case, including agency attorney's fees
5 and for such other and further relief as may be proper under the provisions of law.
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8 ROBIN S. TANNER
9 Deputy Real Estate Commissioner

10 Dated at Oakland, California,

11 this 20th day of April, 2018
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13 DISCOVERY DEMAND

14 The Bureau of Real Estate hereby requests discovery pursuant to Section 11507.6
15 of the California Government Code. Failure to provide discovery to the Bureau may result in the
16 exclusion of witnesses and/or documents at the hearing, and other sanctions as the
17 Administrative Law Judge deems appropriate.
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