

1 MISDEMEANOR OR FELONY LEVEL? IF YES, COMPLETE ITEM 29 WITH
2 INFORMATION ON EACH CONVICTION", Respondent concealed and failed to disclose the
3 conviction identified below in paragraph 3.

4 CRIMINAL CONVICTION

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6 On or about April 23, 2007, in the Superior Court of California, Case No.
7 FCR239024, Respondent was convicted of violating Section 23152 (b) of the California Vehicle
8 Code (Driving While Having A 0.08% Or Higher Blood Alcohol). Said crime bears a substantial
9 relationship under Section 2910, Title 10, Chapter 6, California Code of Regulations
10 (Regulations), to the qualifications, functions or duties of a real estate licensee.

11 UNLICENSED ACTIVITY

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13 At all times herein mentioned, Respondent conducted real estate activity under a
14 Limited Liability Company named, Red Angel, LLC, aka Red Angel Housing Solutions and Red
15 Angel Executive Apartments.¹ Respondent is the owner of Red Angel, LLC. At no time herein
16 mentioned has Red Angel, LLC, been licensed by the Department.

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18 At all times herein mentioned, Respondent engaged in the business of, acted in the
19 capacity of, advertised, or assumed to act as a real estate broker within the State of California
20 within the meaning of Section 10131(b) of the Code, including the operation and conduct of a
21 property management business with the public wherein, on behalf of others, for compensation or
22 in expectation of compensation, Respondent leased or rented or offered to lease or rent, or
23 solicited listings of places for rent or solicited for prospective tenants, or negotiated the sale,
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25 ¹ On or about July 3, 2018, Respondent, on behalf of Red Angel, LLC., filed an Articles of
26 Incorporation with Statement of Conversion with the State of California Secretary of State under the name, Red
27 Angel Corporation.

1 purchase or exchange of leases on real property, or on a business opportunity, or collected rent
2 from tenants.

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4 On or about March 7, 2018, Respondent solicited a Department
5 Special Investigator to perform property management services on her behalf for compensation.
6 Respondent indicated that his business could "provide all services on leases, collecting rents, and
7 getting repair people as needed."

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9 Respondent maintains that he is engaged in the business of performing property
10 management for short-term rentals for thirty (30) to sixty (60) days through Red Angel, LLC.

11 GROUND'S FOR DENIAL

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13 Respondent's criminal conviction, described in paragraph 3, above, constitutes
14 cause for denial of Respondent's application for a real estate salesperson license pursuant to the
15 provisions of Sections 480 (a) (1) (Conviction Of Crime) and 10177 (b) (Further Grounds For
16 Disciplinary Action- Conviction Of Crime) of the Business and Professions Code (Code).

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18 Respondent's failure to reveal in the application the conviction as described in
19 paragraph 3, above, constitutes the procurement or attempted procurement of a real estate license
20 by fraud, misrepresentation, or deceit, or by making a material misstatement of fact in the
21 application, which failure is cause for denial of Respondent's application for a real estate
22 salesperson license pursuant to the provisions of Sections 480 (d) (False Statement) and 10177
23 (a) (Further Grounds For Disciplinary Action- Attempt To Procure License Through Fraud, etc.)
24 of the Code.

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26 The acts of Respondent as described in paragraphs 4 through 7, above, constitute
27 cause for denial of Respondent's application for a real estate salesperson license pursuant to the

1 provisions of Sections 480 (a) (3) (Done Any Act That If Done by Licensee Would Be Grounds
2 For Discipline) 10177 (d) (Further Grounds For Disciplinary Action- Willful Disregard Of Real
3 Estate Laws), and 10177 (f) (Further Grounds For Disciplinary Action- Acted In A Manner that
4 Warrants Denial) of the Code in conjunction with Sections 10130 (Unlicensed Activity) and
5 10131 (b) of the Code.

6 WHEREFORE, the Complainant prays that the above-entitled matter be set for
7 hearing and, upon proof of the charges contained herein, that the Commissioner refuse to
8 authorize the issuance of, and deny the issuance of, a real estate salesperson license to
9 Respondent, and for such other and further relief as may be proper under applicable provisions of
10 law.

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13 ROBIN S. TANNER
14 Supervising Special Investigator
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16 Dated at Oakland, California,
17 this 18th day of October, 2018, 2018.
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19 DISCOVERY DEMAND
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21 Pursuant to Sections 11507.6, *et seq.* of the *Administrative Procedure Act*, the
22 Department hereby makes demand for discovery pursuant to the guidelines set forth in the
23 *Administrative Procedure Act*. Failure to provide Discovery to the Department may result in the
24 exclusion of witnesses and documents at the hearing or other sanctions that the Office of
25 Administrative Hearings deems appropriate.
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