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FILED

SEP 25 2018

DEPARTMENT OF REAL ESTATE
By B. Nicholas

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12) No. H-12304 SF
13 NORMAN EUGENIO MONTALVO,)
14) ACCUSATION
15 Respondent.)

16 The Complainant, ROBIN S. TANNER, acting in her official capacity as a
17 Supervising Special Investigator of the State of California, for this Accusation against NORMAN
18 EUGENIO MONTALVO ("Respondent"), is informed and alleges as follows:

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

22 2

23 On or about October 20, 2015, Respondent submitted a broker renewal
24 application to the Department of Real Estate ("Department").

25 3

26 In response to Question 16 of said broker renewal application to wit: "WITHIN
27 THE SIX-YEAR PERIOD PRIOR TO FILING THIS APPLICATION, HAVE YOU EVER
BEEN CONVICTED (SEE PARAGRAPH ABOVE) OF ANY VIOLATION OF THE LAW

1 AT THE MISDEMEANOR OR FELONY LEVEL? **IF YES, COMPLETE ITEM 22 WITH**
2 **INFORMATION ON EACH CONVICTION,**” Respondent concealed and failed to disclose
3 the conviction described in Paragraph 12.

4 4

5 In response to Question 17 of said broker renewal application to wit: “ARE
6 THERE CRIMINAL CHARGES PENDING AGAINST YOU AT THIS TIME, OR ARE YOU
7 CURRENTLY AWAITING JUDGMENT AND SENTENCING FOLLOWING ENTRY OF A
8 PLEA OR JURY VERDICT? **IF YES, COMPLETE ITEM 22,**” Respondent concealed and
9 failed to disclose the pending conviction described in Paragraph 5.

10 5

11 On or about November 1, 2012, in the United States District Court, Northern
12 District of California, Case No. 3:12-cr-00785-CRB, Respondent was charged with two counts of
13 violating Section 1 (bid rigging), Title 15, of the United States Code and two counts of violating
14 Section 1349 (conspiracy to commit mail fraud), Title 18, of the United States Code. All charges
15 against Respondent were disposed of on June 8, 2018.

16 6

17 On or about June 8, 2018, in the United States District Court, Northern District of
18 California, Case No. 3:12-cr-00785-CRB, Respondent was convicted of two counts of violating
19 Section 1, Title 15, of the United States Code, felonies and crimes that bear a substantial
20 relationship to the qualifications, functions or duties of a real estate licensee pursuant to Section
21 2910, Title 10, of the California Code of Regulations.

22 7

23 On August 28, 2018, a diligent search was made of the records of the Department
24 relating to Respondent’s real estate broker license No. 01054530. No record or written notice
25 was received from Respondent notifying the Department, in writing, of any arrest, conviction,
26 indictment or license disciplinary action.

27 //

1 (reckless driving under the influence) of the California Vehicle Code, a misdemeanor.

2 COST RECOVERY

3 13

4 The Department will seek to recover cost of the investigation and prosecution of
5 this case pursuant to section 10106 of the Code which provides, in pertinent part, that in any
6 order issued in resolution of a disciplinary proceeding before the Department, the Commissioner
7 may request the administrative law judge to direct a licensee found to have committed a violation
8 of this part to pay a sum not to exceed the reasonable costs of the investigation and enforcement
9 of the case.

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

15 

16 ROBIN S. TANNER
17 Supervising Special Investigator

18 Dated at Oakland, California,

19 this 24th day of September, 2018.

20 DISCOVERY DEMAND

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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