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FILED

MAY 19 2021

DEPARTMENT OF REAL ESTATE

By J. Taggart

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12) No. H-12543 SF
13 ERIK MARTIN WINKLER,)
14 Respondent.) ACCUSATION

15 The Complainant, STEPHANIE YEE, acting in her official capacity as a
16 Supervising Special Investigator of the State of California, for this Accusation against ERIK
17 MARTIN WINKLER ("Respondent"), is informed and alleges as follows:

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

22 2

23 On or about January 16, 2020, in the Superior Court of the State of California,
24 County of San Mateo, Case No. 19-NM-015101-A, Respondent was convicted of violating
25 Section 273.5(a) (injuring a spouse, cohabitant, fiancé, boyfriend, girlfriend, or child's parent) of
26 the California Penal Code, a misdemeanor and a crime that bears a substantial relationship to the

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1 qualifications, functions or duties of a real estate licensee pursuant to Section 2910, Title 10, of
2 the California Code of Regulations.

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4 On April 7, 2021, a diligent search was made of the records of the Department of
5 Real Estate ("Department") relating to Respondent's real estate salesperson license No.
6 00964405. No record or written notice was received within 30 days from Respondent notifying
7 the Department, in writing, of any felony charge, conviction, or license disciplinary action.

8 GROUND FOR DISCIPLINE

9 4

10 The facts alleged in Paragraph 2, above, constitute cause under Sections 490
11 (conviction of substantially related crime) and 10177(b) (conviction of substantially related
12 crime) of the Code for the suspension or revocation of all licenses and license rights of
13 Respondent under the Real Estate Law.

14 5

15 Respondent's failure to report the conviction to the Department, as described in
16 Paragraph 3, above, violates Section 10186.2 (a) (conviction reporting requirements) of the
17 Code, and constitutes cause under Section 10177(d) (willful disregard or violation of Real Estate
18 Law) of the Code for the suspension or revocation of all licenses and license rights of
19 Respondent under the Real Estate Law.

20 MATTER IN AGGRAVATION

21 6

22 On or about December 24, 1992, in the Superior Court of the State of California,
23 County of San Mateo, Case No. NM231443A, Respondent was convicted of violating Section
24 23152 (b) of the California Vehicle Code (driving under the influence-over .08%), a
25 misdemeanor.

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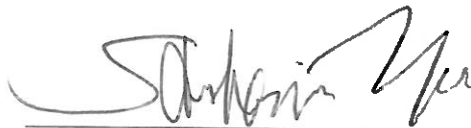
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1 COST RECOVERY

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

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

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15 STEPHANIE YEE
16 Supervising Special Investigator
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18 Dated at Oakland, California,
19 this 17th day of May, 2021.
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22 DISCOVERY DEMAND

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