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FILED

NOV 29 2022

DEPARTMENT OF REAL ESTATE
By B. Nicholas

9 BEFORE THE DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of)

No. H- 12637 SF

13 JERRY MENDEZ GUTIERREZ,)

ACCUSATION

14 Respondent.)

15 The Complainant, STEPHANIE YEE, in her official capacity as a Supervising
16 Special Investigator of the Department of Real Estate ("Department") of the State of California,
17 brings this Accusation against Respondent JERRY MENDEZ GUTIERREZ ("Respondent"), and
18 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 California Business and Professions Code) ("Code") as a real
22 estate salesperson, License ID 01321023.

23 Respondent was licensed by the Department as a real estate salesperson on or
24 about January 29, 2004. Unless renewed Respondent's salesperson license expires on February
25 23, 2024.

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On or about October 6, 2020, in the Superior Court of the State of California, County of San Benito, Case No. CR-19-01165, Respondent was convicted of a violation of Section 242 (battery) of the California Penal Code and Section 10852 (tampering with motor vehicle) of the California Vehicle Code, crimes which bear a substantial relationship under Section 2910, Title 10, Chapter 6, of the California Code of Regulations ("Regulations") to the qualifications, functions or duties of a real estate licensee.

GROUND FOR DISCIPLINE

The facts identified in paragraph 2, constitutes cause under Sections 490 and 10177(b) of the Code, for the suspension or revocation of all licenses and license rights of Respondent under the Real Estate Law.

COST RECOVERY

Section 10106 of the Code provides, in pertinent part, that in any order issued in resolution of a disciplinary proceeding before the Department, 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 imposing disciplinary action against all licenses and license rights of Respondent under the Code, for the cost of

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

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5 STEPHANIE YEE
6 Supervising Special Investigator

7 Dated at Oakland, California,
8 this 14th day of November, 2022

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10 DISCOVERY DEMAND

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