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FILED

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DEPARTMENT OF REAL ESTATE
By S. Knapp

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)

12 ROBERT GARETT FONG,)

13 Respondent.)

No. H-12649 SF

ACCUSATION

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15 The Complainant, STEPHANIE YEE, a Supervising Special Investigator of the
16 State of California, for cause of Accusation against ROBERT GARETT FONG (Respondent), is
17 informed and alleges as follows:

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19 Complainant makes this Accusation against Respondent in her official capacity.

20 2

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 Department of Real Estate (the Department) as a real estate
24 salesperson.

25 3

26 On or about August 21, 2020, in the Superior Court of the State of California,
27 County of San Mateo, Case No. 19NM0115035A, Respondent was convicted of violating

1 Section 23153(b) of the California Vehicle Code (driving under the influence of alcohol or a
2 drug/causing bodily harm) with an enhancement per Section 23558 of the California Vehicle
3 Code (one plus victim while dui), a misdemeanor and crime which bears a substantial
4 relationship under Section 2910, Title 10, California Code of Regulations, to the qualifications,
5 functions, or duties of a real estate licensee.

6 MATTERS IN AGGRAVATION

7 4

8 On or about April 3, 2006, in the Superior Court of the State of California, County
9 of San Mateo, Case No. NM352820, Respondent was convicted of violating Section 242 of the
10 California Penal Code (battery), a misdemeanor. On or about May 6, 2010, this matter was
11 expunged pursuant to Section 1203.4 of the Penal Code.

12 5

13 On or about July 28, 2005, in the Superior Court of the State of California, County
14 of San Mateo, Case No. SM340642A, Respondent was convicted of violating Section 415(1) of
15 the California Penal Code (fight/challenge to a fight), a misdemeanor. On or about September 6,
16 2012, this matter was expunged pursuant to Section 1203.4 of the Penal Code.

17 6

18 The facts alleged in Paragraph 3, above, constitute cause under Section 10177(b)
19 (further grounds for disciplinary action-conviction of crime) and Section 490 (conviction of
20 substantially related crime) of the Code for suspension or revocation of Respondent's license
21 under the Real Estate Law.

22 7

23 A diligent search was made of the records of the Department of Real Estate
24 (Department), relating to Respondent's Real Estate Salesperson License. As a result of said
25 search, no record was discovered having been received from Respondent notifying the
26 Department, in writing, of any conviction.

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The facts alleged above, in Paragraphs 3 and 7, 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 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 reasonable costs of investigation and prosecution of this case, including agency attorney's fees, and for such other and further relief as may be proper under provisions of law.

STEPHANIE YEE
Supervising Special Investigator

Dated at Oakland, California

this 19th day of December, 2022.

DISCOVERY DEMAND

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