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7  
8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )  
12 )

No. H-12723 SF

13 RANDELL DUARTE SILVA, )

AMENDED 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 previously filed an Accusation against Respondent RANDELL DUARTE SILVA  
18 ("Respondent"), on or about February 27, 2024. Complainant, in her official capacity, and  
19 pursuant to Government Code Section 11507, now files this Amended Accusation, and is  
20 informed and alleges as follows:

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22 Respondent is presently licensed and/or has license rights under the Real Estate  
23 Law (Part 1 of Division 4 of the California Business and Professions Code) (Code) as a real  
24 estate salesperson, License ID 02064884.

25 Respondent was licensed by the Department as a real estate salesperson on or  
26 about August 27, 2018. Respondent submitted an application for renewal of his real estate  
27 salesperson license on or about July 7, 2022, prior to the August 26, 2022, expiration date. The

1 Department approved renewal of Respondent's real estate salesperson license on or about August  
2 27, 2022, with a new expiration date of August 26, 2026.

3 CRIMINAL CONVICTION

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5 On or about August 22, 2022, in the Superior Court of the State of California,  
6 County of Contra Costa, Case No. 01-197679-4, Respondent was convicted of violating Sections  
7 23920 (possession of firearm with identification numbers removed) and 236-237 (false  
8 imprisonment) of the California Penal Code, crimes which bear a substantial relationship under  
9 Section 2910 of Title 6 of the California Code of Regulations ("Regulations") to the  
10 qualifications, functions or duties of a real estate licensee.

11 FAILURE TO DISCLOSE FELONY COMPLAINT

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13 On or about July 7, 2022, Respondent submitted through the Department's  
14 eLicensing online system, a Salesperson Renewal Application (Form RE 209) to renew his Real  
15 Estate Salesperson license, License ID No. 02064884.

16 Item 13 under the "Background Information" section of the Salesperson Renewal  
17 Application asked the following: "Are there criminal charges pending against you at this time,  
18 or are you currently awaiting judgment and sentencing following entry of a plea or jury verdict?  
19 If yes, complete Item 18." Respondent responded to Item 13 by checking the box "No" and did  
20 not complete Item 18 which asked for an explanation of Item 13.

21 On or about December 8, 2021, and in the Superior Court of California, County  
22 of Contra Costa, a felony criminal complaint, DA No: 0131035252, was filed by the Contra  
23 Costa District Attorney's Office against Respondent.

24 Respondent selected "No" as to Item 13 above in his Salesperson Renewal  
25 Application, despite having a felony criminal complaint filed against him at that time.  
26 Respondent's answer of "No" to Item 13 in his Salesperson Renewal Application, as described  
27 under Paragraph 3 herein, constitutes the procuring, or attempting to procure, a real estate

1 license renewal by fraud, misrepresentation, or deceit, or by making a material misstatement of  
2 facts in an application for a real estate license renewal.

3 FAILURE TO NOTIFY DEPARTMENT

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5 At no time did Respondent provide notice within 30 days of the bringing of an  
6 indictment, the charging of a felony, the conviction of Respondent of one or more misdemeanor  
7 and/or felony convictions, and/or any disciplinary action taken by another licensing agency, as  
8 required by Section 10186.2 of the Code.

9 GROUND FOR DISCIPLINE

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11 The facts alleged in Paragraph 2 constitute grounds under Sections 490  
12 and 10177(b) of the Code for suspension or revocation of all licenses and license rights of  
13 Respondent under Part 1 of Division 4 of the Code.

14 The facts alleged in Paragraph 3 constitute cause under Section 10177(a) of the  
15 Code for suspension or revocation of all licenses and license rights of Respondent under Part 1 of  
16 Division 4 of the Code.

17 The facts alleged in Paragraph 4 constitute cause under Sections 10177(d) and  
18 10186.2 of the Code for suspension or revocation of all licenses and license rights of Respondent  
19 under Part 1 of Division 4 of the Code.

20 COST RECOVERY

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22 Section 10106 of the Code provides, in pertinent part, that in any order issued in  
23 resolution of a disciplinary proceeding before the Department, the Commissioner may request  
24 the Administrative Law Judge to direct a licensee found to have committed a violation of this  
25 part to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the  
26 case.

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1                   WHEREFORE, Complainant prays that a hearing be conducted on the allegations  
2 of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary  
3 action against all licenses and license rights of Respondent under the Code, for the cost of  
4 investigation and enforcement as permitted by law, and for such other and further relief as may  
5 be proper under the provisions of law.

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8 STEPHANIE YEE

9 Supervising Special Investigator

10 Dated at Oakland, California,  
11 this 27th day of September, 2024  
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19 DISCOVERY DEMAND

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