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FILED

FEB 28 2024

DEPARTMENT OF REAL ESTATE
By B. McW...

10
11 BEFORE THE DEPARTMENT OF REAL ESTATE
12 STATE OF CALIFORNIA

13 * * *

14 In the Matter of the Accusation of)

No. H-12724 SF

15 MICHAEL D. SPINA,)

ACCUSATION

16 Respondent.)

17 The Complainant, STEPHANIE YEE, in her official capacity as a Supervising
18 Special Investigator of the Department of Real Estate (Department) of the State of California,
19 brings this Accusation against Respondent MICHAEL D. SPINA (Respondent), and is informed
20 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 broker, License ID 01847921.

25 Respondent was licensed by the Department as a real estate broker on or about
26 July 23, 2008. Unless renewed Respondent's real estate broker license expires February 14,
27 2025.

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1 CRIMINAL CONVICTION

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3 On or about January 18, 2023, in the Superior Court of the State of California,
4 County of Sonoma, Case No. SCR-750000-1, Respondent was convicted of violating Sections
5 23153(a) (driving under the influence with bodily injury) and 20001(a) (hit and run resulting in
6 injury) of the California Vehicle Code, and Section 148(a)(1) (obstruct resist public officer) of
7 the California Penal Code, crimes which bear a substantial relationship under Section 2910 of
8 Title 6 of the California Code of Regulations (Regulations) to the qualifications, functions or
9 duties of a real estate licensee.

10 FAILURE TO NOTIFY DEPARTMENT

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12 At no time did Respondent provide notice of the bringing of an indictment, the
13 charging of a felony, the conviction of Respondent of one or more misdemeanor and/or felony
14 convictions, and/or any disciplinary action taken by another licensing agency, as required by
15 Section 10186.2 of the Code.

16 GROUND FOR DISCIPLINE

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

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22 The facts alleged in Paragraphs 2 and 3 constitute cause under Sections 10177(d)
23 and 10186.2 of the Code for suspension or revocation of Respondent's license under the Real
24 Estate Law.

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1 COST RECOVERY

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

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

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15 STEPHANIE YEE
16 Supervising Special Investigator

17 Dated at Oakland, California,
18 this 21st day of February, 2024

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21 DISCOVERY DEMAND

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