

FILED
SEP 15 2025
DEPARTMENT OF REAL ESTATE
By J. Taggart

In the Matter of the Application of:) DRE No. H-12760 SF
)
DONALD CHARLES BACHMANN,) OAH No. 2025041205
)
)
)
Respondent.)

The Proposed Decision dated July 24, 2025, of the Administrative Law Judge of the Office of Administrative Hearings, is hereby adopted as the Decision of the Real Estate Commissioner in the above-entitled matter.

1. Page 12, Order 4, Line 3, is corrected to read as follows: 651 Bannon Street, Suite 507, Sacramento, CA 95811.

Pursuant to Government Code Section 11521, the Department of Real Estate may order reconsideration of this Decision on petition of any party. The party seeking reconsideration shall set forth new facts, circumstances, and evidence, or errors in law or analysis, that show(s) grounds and good cause for the Commissioner to reconsider the Decision. If new evidence is presented, the party shall specifically identify the new evidence and explain why it was not previously presented. The Department's power to order reconsideration of this Decision shall expire thirty (30) days after mailing of this Decision, or on the effective date of this Decision, whichever occurs first. The right to reinstatement of a revoked real estate license

or to the reduction of a penalty is controlled by Section 11522 of the Government Code. A copy of Sections 11521 and 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of respondent.

If and when a petition for removal of restrictions is filed, all competent evidence of rehabilitation presented by the Respondent will be considered by the Real Estate Commissioner.

This Decision shall become effective at 12 o'clock noon on OCT 06 2025.

IT IS SO ORDERED 9/4/2025

Chika Sunquist
REAL ESTATE COMMISSIONER



By: Marcus L. McCarther
Chief Deputy Real Estate Commissioner

**BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA**

FILED
AUG 22 2025
DEPARTMENT OF REAL ESTATE
BY *J. Taggart*

In the Matter of the Application of:

DONALD CHARLES BACHMANN, Respondent.

Agency Case No. H-12760-SF

OAH No. 2025041205

PROPOSED DECISION

Administrative Law Judge Mario M. Choi, State of California, Office of Administrative Hearings, heard this matter on July 10, 2025, by videoconference.

Counsel Jack Gonzalez Jr. represented complainant Stephanie Yee, Supervising Special Investigator, Department of Real Estate.

Respondent Donald Charles Bachmann represented himself.

The record closed and the matter was submitted for decision on July 10, 2025.

FACTUAL FINDINGS

1. On May 29, 2023, the Department of Real Estate (Department) received an application for a real estate salesperson license from respondent Donald Charles Bachmann.

2. On March 28, 2025, complainant Stephanie Yee, in her official capacity as Supervising Special Investigator for the Department, filed a statement of issues against respondent, seeking to deny the application based on a 2018 alcohol-related conviction, with matters in aggravation. Respondent filed a notice of defense, and this hearing followed.

Conviction

3. On May 22, 2018, in the Superior Court of California, County of Santa Clara, respondent was convicted on a nolo contendere plea of violating Vehicle Code sections 23152, subdivision (b) (driving under the influence of alcohol above 0.08 percent with a prior conviction) and 20002, subdivision (a) (hit and run with property damage), both misdemeanors. Respondent was sentenced to serve 120 days in a weekend work program and to wear a SCRAM (Secure Continuous Remote Alcohol Monitoring) bracelet for nine months. He was sentenced to court probation of four years and was ordered not to drive without a license and insurance, to enter a multiple offender substance abuse program, and to have an ignition interlock device installed on his vehicle for three years.

Other than court records indicating that the incident happened on October 31, 2017, the underlying facts and circumstances were not established at hearing.

Matters in Aggravation

4. On February 15, 2015, in the Superior Court of California, County of Santa Clara, respondent was convicted on a nolo contendere plea of violating Vehicle Code sections 2800.2, subdivision (a) (reckless evading), a felony, and 23152, subdivision (a) (driving under the influence of alcohol), a misdemeanor, and Penal Code section 242/243, subdivision (c)(2) (battery/battery on a peace officer), a misdemeanor.

Respondent was sentenced to three years in prison with 701 days credited for time served. He was placed on parole for three years. Other than court records indicating that the incident happened on June 5, 2014, and involved a battery, the underlying facts and circumstances were not established at hearing.

5. On January 24, 2012, in the Superior Court of California, County of Santa Clara, respondent was convicted on a nolo contendere plea of violating Vehicle Code sections 2800.2, subdivision (a) (reckless evading), a felony, and 23152, subdivision (a) (driving under the influence of alcohol), a misdemeanor, and Health and Safety Code section 11550, subdivision (a) (under the influence of a controlled substance), a misdemeanor. Respondent was ordered to serve a year in jail. Other than court records indicating that the incident happened on December 5, 2011, the underlying facts and circumstances were not established at hearing.

6. On December 1, 2008, in the Superior Court of California, County of Santa Clara, respondent was convicted on a guilty plea of violating two counts of Vehicle Code section 10851, subdivision (a) (driving or taking vehicle without consent), and one count of Vehicle Code section 20001, subdivision (a) (felony hit and run with injury), all felonies. Respondent was sentenced to six years and four months in prison with 750 days credited for time served, and placed on parole for three years. He was also ordered to pay restitution to the victim.

Court records indicate that the underlying event happened on October 8, 2007. Respondent testified that, after getting out of jail for the prior convictions (Factual Findings 7 and 8), he was "hanging out" with car thieves. He stole a truck and drove to a 7-Eleven to look for drugs, but the truck he stole stopped working. A passerby offered to take a look at the truck, and while the passerby was doing so, respondent stole the passerby's car. Finding drugs, respondent was driving the stolen vehicle and

getting high, and "ran over" the victim who was crossing the street. Respondent thought about driving away but returned to take the victim, who was then unconscious, to the hospital. On the way to the hospital, the victim awoke and, after respondent pulled over, "slapped" him and ran off.

Respondent was eventually arrested and charged with kidnapping to commit a sexual offense; lewd or lascivious act on a child by force, violence, duress menace and fear; assault with a deadly weapon or by means of force likely to produce great bodily injury; and two counts of vehicle theft with a prior conviction. Respondent testified that, if convicted of all the charges, he could have been sentenced to 39 years to life in prison. The victim testified and rebutted the kidnapping and sexual assault charges.

7. On June 12, 2007, in the Superior Court of California, County of Santa Clara, respondent was convicted of violating Health and Safety Code section 11550, subdivision (a) (under the influence of a controlled substance), a misdemeanor. Respondent was ordered to serve 180 days in jail simultaneously with his April 6, 2007, conviction. Other than court records indicating that the offense happened on September 10, 2006, and respondent was in possession of methamphetamine, the underlying facts and circumstances were not established at hearing.

8. On April 6, 2007, in the Superior Court of California, County of Santa Clara, respondent was convicted on a guilty plea of violating Health and Safety Code section 11550, subdivision (a) (under the influence of a controlled substance), a misdemeanor. The underlying facts and circumstances were not established at hearing, except that respondent testified that he was using methamphetamine and court records indicate that the offense occurred on December 18, 2006.

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9. On January 24, 2006, in the Superior Court of California, County of Santa Clara, respondent was convicted on a guilty plea of violating Vehicle Code section 12500, subdivision (a) (driving without a license), a misdemeanor. Imposition of sentence was suspended, and respondent was placed on court probation for one year. A San Jose Police Department officer pulled respondent over on August 12, 2005, for failing to signal and for speeding. Respondent was driving on a suspended license.

10. On June 21, 2000, in the Superior Court of California, County of Santa Clara, respondent was convicted on a guilty plea of violating Penal Code section 148, subdivision (a)(1) (resisting/obstructing a public officer), and Health and Safety Code sections 11364 (possession of controlled substance paraphernalia), and 11377, subdivision (a) (possession of a controlled substance), all misdemeanors. Respondent was ordered to serve 90 days in jail, with five days credited for time served, and his driver's license was suspended for a year. Other than court records indicating that the offense happened on June 18, 2000, and respondent was in possession of methamphetamine, the underlying facts and circumstances were not established at hearing.

11. On January 13, 2000, in the Superior Court of California, County of Santa Clara, respondent was convicted on a nolo contendere plea of violating Penal Code section 484/488 (theft), a misdemeanor. Imposition of sentence was suspended, and respondent was placed on court probation for three years and ordered to serve 15 days in a weekend work program, participate in a theft awareness program, and complete 70 hours of volunteer work. Court records indicate that the incident happened on September 11, 1999, and involved respondent unlawfully taking merchandise from Staples.

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Respondent's Evidence

12. Respondent testified at hearing in a candid, honest, and forthright manner consistent with one telling the truth.

13. Respondent had been a drug addict for 15 years and, during that period, was involved with the wrong crowds. He "gave up on life" and, after his family disowned him, had also been homeless.

14. For the times he was required to attend a substance abuse program, respondent testified that he only attended them because he was ordered to do so and did not take any of what he learned to heart. While he was in jail for the 2015 conviction, respondent also turned to the Bible and to spirituality. Between the 2014 incident and his relapse in October 2017, respondent "stayed clean" and had been attending counseling once a week, although he did not attend Alcoholics Anonymous (AA) or any other substance abuse program at the time. After he completed his jail sentence in 2016, respondent started attending Evergreen Community College and was studying computer science.

15. Respondent relapsed in 2017 after facing school-related pressures. It was after his conviction in 2018 that respondent, again taking AA because he was ordered to take a substance abuse program, began to take the lessons he was learning from AA seriously. Respondent has been sober since October 31, 2017, and credits his family, his sponsor, and the people he has met both in and out of AA. He has served, among other positions, as AA meeting secretary and as a meeting leader. Respondent also reads and listens to recorded AA presentations and ministry recordings on a daily basis. Respondent works with and helps others with their substance abuse issues,

which, in turn, helps him maintain his own sobriety. He stays connected with his community through ministry work and hopes to one day work as a minister.

16. Respondent is 45 years old and is an apprentice plumber. He has been a member of his local plumbers union for four and one-half years. He will complete his studies in commercial plumbing in six months. Respondent seeks to be licensed as a real estate salesperson because, having studied real estate investing and determining that it was not for him, respondent met a real estate broker who is willing to mentor him.

17. Respondent lives with his fiancée and his 14-year-old child in a home that he has lived in for approximately a decade. His older child is 19 years old and lives with respondent's parents.

Other Information

18. Complainant believes that respondent can be trusted with a restricted real estate salesperson license.

LEGAL CONCLUSIONS

1. Respondent bears the burden of proof to establish, by a preponderance of the evidence, that he is qualified for the license he seeks to obtain, including rehabilitation from his criminal offenses. (*Martin v. Alcoholic Beverage Control Appeals Bd.* (1959) 52 Cal.2d 259, 265; Evid. Code §§ 115, 500.)

2. The Real Estate Commissioner (Commissioner) may deny an application for a real estate license if the applicant has been convicted of a crime that is substantially related to the qualifications, functions, or duties of a real estate licensee,

and has been released from incarceration within the seven years preceding the application. (Bus. & Prof. Code, §§ 480, subd. (a)(1), 10177, subd. (b).) Section 2910 of title 10 of the California Code of Regulations sets forth criteria for determining whether a crime is substantially related to the qualifications, functions, or duties of a real estate licensee.

3. Respondent's conviction set forth in Factual Finding 3 is substantially related to the qualifications, functions, or duties of a real estate licensee because the conviction occurred within the seven years preceding respondent's application and involved an unlawful act with the "threat of doing substantial injury to the person or property of another." (Cal. Code Regs., tit. 10, § 2910, subd. (a)(8).) Further, respondent's conviction involved "driving and the use or consumption of alcohol or drugs." (*Id.*, subd. (a)(11).) And, in connection with the matters in aggravation as set forth in Factual Findings 4 through 11, there is a demonstrated pattern of repeated conduct and willful disregard for the law. (*Id.*, subd. (a)(10).)

Cause exists to deny respondent's license application under Business and Professions Code sections 480, subdivision (a), and 10177, subdivision (b)(1).

Analysis

4. The purpose of administrative proceedings regarding professional licenses is not to punish the applicant or licensee, but to protect the public. (*Hughes v. Board of Architectural Examiners* (1998) 17 Cal.4th 763, 785–786; *Griffiths v. Superior Court* (2002) 96 Cal.App.4th 757, 768.) The legislature intends that real estate licensees will be honest, truthful, and worthy of the fiduciary obligations they will bear. (*Harrington v. Department of Real Estate* (1989) 214 Cal.App.3d 394, 402.) The

question is whether respondent has demonstrated that he can be trusted to discharge his duties as a real estate licensee in a manner consistent with public safety.

5. The Commissioner has established criteria to be used in evaluating the rehabilitation of an applicant with a criminal record. (Cal. Code Regs., tit. 10, § 2911.) The relevant criteria to be considered include: the time elapsed since the commission of the offense and conviction; restitution; expungement; successful completion of probation; abstinence from the use of alcohol for not less than two years if the conduct which is the basis of the accusation is attributable in part to the use of alcohol; payment of fines and monetary penalties; stability of family life and fulfillment of parent and familial responsibilities; new and different social and business relationships from those at the time of the offense; completion of, or sustained enrollment in, formal education for economic self-improvement; correction of business practices; significant and conscientious involvement in community or church programs designed to provide social benefits or ameliorate social problems; and a change in attitude from that which existed at the time of the offense.

6. All the relevant rehabilitation factors have been evaluated. As of the date of hearing, it has been over seven years since respondent's last convictions. Respondent has completed the terms of his sentences and has been sober since 2017. Respondent is fulfilling his parental and familial responsibilities, has new and different social and business relationships, and is completing education for economic self-improvement. Respondent is also conscientiously involved in his community. And, importantly, respondent has demonstrated a change in attitude since the time of his offenses, which of the many rehabilitation criteria is "arguably the most important in predicting future conduct." (*Singh v. Davi* (2012) 211 Cal.App.4th 141, 149.)

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7. Considering all the evidence presented, respondent has demonstrated that he can be trusted to discharge the duties of a real estate licensee in a manner consistent with public safety. The public will be adequately protected by the following order, which allows respondent to obtain a real estate salesperson license on a restricted basis for three years.

ORDER

The application of respondent Donald Charles Bachmann for a real estate salesperson license is denied; provided, however, a restricted real estate salesperson license shall be issued to respondent pursuant to section 10156.5 of the Business and Professions Code. The restricted license issued to respondent shall be subject to Business and Professions Code section 10156.7, and to the following limitations, conditions and restrictions imposed under authority of section 10156.6 of said Code:

1. The license shall not confer any property right in the privileges to be exercised, and the Real Estate Commissioner may by appropriate order suspend the right to exercise any privileges granted under this restricted license in the event of:

(a) The conviction of respondent (including a plea of nolo contendere) of a crime which is substantially related to respondent's fitness or capacity as a real estate licensee; or

(b) The receipt of evidence that respondent has violated provisions of the California Real Estate law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner, or conditions attaching to this restricted license.

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2. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor the removal of any of the conditions, limitations, or restrictions attaching to the restricted license until three years have elapsed from the date of issuance of the restricted license to respondent.

3. With the application for license, or with the application for transfer to a new employing broker, respondent shall submit a statement signed by the prospective employing real estate broker on a form RE 552 (Rev. 5/2024) approved by the Department which shall certify as follows:

(a) That the employing broker has read the Decision which is the basis for the issuance of the restricted license; and

(b) That the employing broker will carefully review all transaction documents prepared by the restricted licensee and otherwise exercise close supervision over the licensee's performance of acts for which a license is required.

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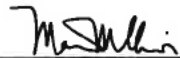
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4. Respondent shall notify the Commissioner in writing within 72 hours of any arrest by sending a certified letter to the Commissioner at the Department of Real Estate, Post Office Box 187000, Sacramento, California 95818-7000. The letter shall set forth the date of respondent's arrest, the crime for which respondent was arrested and the name and address of the arresting law enforcement agency. Respondent's failure to timely file written notice shall constitute an independent violation of the terms of the restricted license and shall be grounds for the suspension or revocation of that license.

DATE: 07/24/2025


Mario Choi (Jul 24, 2025 11:42:19 PDT)

MARIO M. CHOI

Administrative Law Judge

Office of Administrative Hearings