

FILED

MAR 20 2026

DEPARTMENT OF REAL ESTATE

By B dew

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8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11	In the Matter of the Accusation of)	No. H-12811 SF
12	GILBERTO FERNANDEZ, JR.,)	<u>ACCUSATION</u>
13	Respondent.)	

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15 The Complainant, STEPHANIE YEE, a Supervising Special Investigator of the
16 State of California, for cause of Accusation against GILBERTO FERNANDEZ, JR.
17 (“Respondent”), is informed and alleges as follows:

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

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21 Respondent is presently licensed and/or has license rights under the Real Estate
22 Law, Part 1 of Division 4 of the California Business and Professions Code (the “Code”) by the
23 Department of Real Estate (the “Department”) as a real estate salesperson.

24 3

25 On or about December 1, 2023, in the Superior Court of the State of California,
26 County of Santa Clara, Case No. C2206449, Respondent was convicted of violating Section 487
27 (a) (grand theft: money/labor/property) of the California Penal Code, a felony, Section 7028 (a)

1 (contracting without a license) of the California Business and Professions Code, a misdemeanor,
2 and Section 3700.5 (failure to secure payment of compensation) of the California Labor Code, a
3 misdemeanor, and all crimes which bear a substantial relationship to the qualifications,
4 functions, or duties of a real estate licensee under Section 2910, Title 10, Chapter 6, California
5 Code of Regulations.

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7 A diligent search was made of the records of the Department relating to
8 Respondent's Real Estate License. As a result, no record was discovered having been received
9 from Respondent notifying the Department in writing within 30 days of any felony complaint,
10 indictment and/or information, and/or any conviction.

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12 The facts alleged in Paragraphs 3 and 4 above constitute cause under Sections 490
13 (conviction of crime), 10177(b) (conviction of crime), and 10177(j) (engaged in conduct that
14 constitutes fraud or dishonest dealing) of the Code for the suspension or revocation of
15 Respondent's license(s) under real estate law.

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17 The facts alleged in Paragraph 4 above constitute violations of Section 10186.2
18 (failure to report in writing a felony complaint, indictment and/or information, and/or failure to
19 report in writing a conviction within 30 days) of the Code, and each are grounds for revocation
20 of all licenses and license rights of Respondent under Section 10177(d) of the Code.

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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 reasonable
4 costs of investigation and prosecution of this case, including agency attorney's fees and for such
5 other and further relief as may be proper under provisions of law.

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8 STEPHANIE YEE
9 Supervising Special Investigator

10 Dated at Oakland, California
11 this 14th day of March, 2026.

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14 DISCOVERY DEMAND

15 The Department of Real Estate hereby requests discovery pursuant to Section
16 11507.6 of the California Government Code. Failure to provide discovery to the Department may
17 result in the exclusion of witnesses and/or documents at the hearing, and other sanctions as the
18 Administrative Law Judge deems appropriate.