

FILED

NOV 30 2011

DEPARTMENT OF REAL ESTATE  
BY: 

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \* \*

In the Matter of the Accusation Against

BRETT C. DOSCHER,

Respondent.

) Case No. H-36805 LA  
) OAH No. L-2010101159  
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DECISION AFTER REJECTION

Jennifer M. Russell, Administrative Law Judge ("ALJ") Office of Administrative Hearings, State of California, heard this matter on March 23, 2011 in Los Angeles.

Maria Suarez ("Complainant"), Deputy Commissioner of the California Department of Real Estate ("Department") was represented by Julie To, Real Estate Counsel.

BRETT C. DOSCHER ("Respondent") appeared and represented himself in this matter.

Oral and documentary evidence was received, and the matter was submitted for Decision on March 23, 2011. The record was closed and the matter was deemed submitted on March 23, 2011.

On June 28, 2011, the ALJ issued a Proposed Decision which I declined to adopt as my Decision herein.

Pursuant to Section 11517(c) of the Government Code of the State of California,

1 Respondent was served with notice of my determination not to adopt the Proposed Decision of the  
2 ALJ along with a copy of said Proposed Decision. Respondent was notified that I would decide the  
3 case upon the record, the transcript of proceedings held on March 23, 2011, and upon any written  
4 argument offered by Respondent and Complainant. Respondent and Complainant each submitted  
5 argument.

6 I have given careful consideration to the record in this case, including the transcript of  
7 proceedings of March 23, 2011. I have also considered the arguments submitted by Respondent and  
8 by Complainant. The following shall constitute the Decision of the Real Estate Commissioner  
9 ("Commissioner") in this proceeding:

#### 10 FINDINGS OF FACT

##### 11 *Parties and Jurisdiction*

12 1. The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State  
13 of California, brought the Accusation in her official capacity.

14 2. Respondent is presently licensed and has license rights under the Real Estate  
15 Law, Part 1 of Division 4 of the Business and Professions Code ("Code"), as a real estate  
16 salesperson. Respondent was first licensed as a real estate salesperson on January 24, 2007.

##### 17 *Criminal Conviction*

18 3. On March 24, 2009, in the Superior Court of California, County of Los Angeles  
19 County, in Case No. 9VY01256, Respondent was convicted on his plea of nolo contendere to  
20 violating Vehicle Code section 4463, subdivision (a) (1) (falsifying evidence of registration,  
21 ownership or identification), a misdemeanor. Imposition of sentence was suspended and  
22 Respondent was placed on summary probation for two years on terms and conditions that included  
23 performing community service with Caltrans and paying fines totaling \$894. Respondent elected  
24 to pay a higher fine in the amount of \$960.00 in lieu of performing community service with  
25 Caltrans. Respondent paid the fines and completed probation.

26 4. The facts and circumstances leading to Respondent's conviction stemmed from a  
27 routine traffic stop on or about March 21, 2009, when Respondent was found to be driving a 1990

1 Mazda Miata with fraudulent registration tags. Los Angeles police officers conducting random  
2 vehicle checks stopped Respondent and discovered that although the license plate contained a blue  
3 registration tag indicating it was not due for renewal until 2009, in fact the vehicle had not been  
4 registered in Respondent's name and had not been properly registered since 2005. When  
5 questioned by the officers, Respondent admitted that he purchased the car in March of 2008 (a  
6 year prior to the incident), that the fraudulent blue registration tag was on the vehicle when he  
7 bought it, that he knew the tag was false, and that the car had not been registered since 2005.  
8 Respondent was arrested and the Miata was impounded. Respondent never regained possession of  
9 the vehicle.

10           5. At hearing, Respondent testified about the facts and circumstances leading to his  
11 conviction. He explained that he purchased the Miata from his employer's father for \$1,500.00.  
12 The seller was leaving town for Las Vegas, Nevada and wanted to get rid of the car quickly. He  
13 did not have a certificate of title at the time of the sale, and therefore could not prove ownership.  
14 Respondent testified that he was aware of and concerned about "some title problems" with the  
15 vehicle, but he "drove a gas guzzler" at the time and the real estate market was not doing well, so  
16 the deal was enticing. Respondent testified that the seller promised to take care of the paperwork  
17 to get the vehicle registered, but the problem was never fixed.

18           6. At the time that he purchased the Miata from his employer's father, Respondent  
19 was working as a loan officer. He continues to work as a loan officer at Augusta Financial.  
20 Respondent testified that he graduated from California State University in Northridge in 2008 with  
21 a Bachelor of Arts degree in Health Science. He is single and does not have any children.

22           7. Respondent's friend and co-worker, real estate salesperson Aaron DesMarais,  
23 testified on Respondent's behalf at hearing. Mr. DesMarais testified that he has known  
24 Respondent since 2005, and was familiar with the purchase transaction in which Respondent  
25 bought the Miata. Mr. DesMarais testified that the seller vouched to take care of the situation and  
26 did not keep his word. Mr. DesMarais also testified that Respondent was naïve in assuming the  
27 seller's integrity. Mr. DesMarais regards Respondent as an honorable and honest loan

1 representative, a top producer who always puts clients first. Mr. DesMarais does not question  
2 Respondent's personal integrity.

3 8. In terms of rehabilitation, the conviction was more than two years ago,  
4 Respondent paid all fines and completed probation. The conviction has not been expunged.  
5 Respondent has no prior criminal record, and has no history of license discipline. Respondent  
6 admitted that he made a very bad mistake, and that he acted irresponsibly. The ALJ found  
7 Respondent's expression of contrition to be credible. Respondent is single and does not have  
8 children. He testified that he is involved in sports activities in his community. He no longer  
9 associates with the person he bought the vehicle from.

#### 10 LEGAL CONCLUSIONS

11 1. Cause exists to suspend or revoke Respondent's real estate salesperson license under  
12 Business and Professions Code ("Code") sections 490 and 10177 (b), due to his conviction for  
13 violating Vehicle Code section 4463 (a) (1) (falsifying evidence of registration, ownership or  
14 identification), a crime which substantially related to the qualifications, functions and duties of a real  
15 estate licensee pursuant to Title 10, Chapter 6 of the California Code of Regulations ("Regulations"),  
16 Regulation 2910 (a).

17 (a) Specifically, the crime of which Respondent was convicted involves counterfeiting,  
18 forging or altering an instrument or uttering a false statement (Regulation 2910(a) (2)); and willfully  
19 violating or failing to comply with a statutory requirement that a license, permit or other entitlement be  
20 obtained from a duly constituted public authority before engaging in a business or course of conduct  
21 (Regulation 2910(a)(7)).

22 (b) Respondent's entry of a plea of nolo contendere forms a basis to find him guilty of  
23 having committed the crime for all legal purposes, and he may not collaterally attack that criminal  
24 conviction in these proceedings. (*Arneson v. Fox*, 28 Cal.3d 440, 449.) Any testimony or other  
25 evidence of the facts circumstances leading to his conviction may only be considered in aggravation or  
26 mitigation.

27 2. As cause exists to suspend or revoke Respondent's real estate license,

1 Respondent bears the burden of establishing his rehabilitation. (*Martin v. Alcoholic Beverage*  
2 *Control Appeals Bd.* (1950) 52 Cal.2d 259, 264-265.) Application of the Department's Criteria for  
3 Rehabilitation set forth in the Department's Regulation 2912 establishes the following:

4 (a) More than two years have passed since Respondent's conviction on March 24,  
5 2009.

6 (b) Respondent was not ordered to make restitution to a particular individual, but paid  
7 all fines and penalties.

8 (c) Respondent's conviction has not been expunged.

9 (d) Regulation 2912 (d) does not apply to this case.

10 (e) Respondent completed probation.

11 (f) Regulation 2912(f) does not apply to this case.

12 (g) Respondent completed payment of fines.

13 (h) With regard to correction of business practices responsible in some degree for the  
14 crime of which Respondent was convicted, conduct leading to Respondent's conviction did not occur  
15 as part of his conduct of business. However, it is important to note that Respondent admits to doing  
16 business on a handshake, without proper paperwork. The seller in this case was the father of his  
17 employer at the time, and he admitted to knowing that the registration tag on the car at the time he  
18 purchased it was false. The issue of ensuring title is clear before selling or encumbering property is  
19 central to Respondent's work as a real estate licensee. Submitting accurate and truthful documentation  
20 in support of transactions is an integral part of the daily activities of a real estate licensee. The  
21 opportunity for fraud and misrepresentation is great, as is the possibility that parties to the transaction  
22 might try to persuade an agent to look the other way or engage in dishonest dealing. We do not know  
23 whether he has corrected the business practices which led to his conviction. A licensed real estate  
24 salesperson who has worked with Respondent over the last six years testified on his behalf at hearing.  
25 Mr. DeMarais knew Respondent at the time that he purchased the vehicle in question. Mr. DeMarais  
26 believes that Respondent was naïve in assuming the seller's integrity. He  
27

1 regards Respondent as an honorable and honest loan representative, and believes there is no question  
2 of Respondent's integrity.

3 (i) Respondent no longer associates with the person who sold him the vehicle.

4 (j) In terms of family life, Respondent is single and does not have children.

5 (k) Respondent completed the continuing education courses for renewal of his real  
6 estate license.

7 (l) Respondent testified at hearing that he is involved in organized sports activities in  
8 his local community in Burbank.

9 (m) At the administrative hearing, Respondent testified that he is regretful and would  
10 not repeat his wrong doing which he attributes more to having naively trusted the seller than anything  
11 else. The ALJ found Respondent's expression of remorse to be credible, and also opined that the  
12 incident leading to the conviction was not the result of dishonesty on Respondent's part.

13 3. The Real Estate Law and the disciplinary procedures provided for in the Real  
14 Estate Law are designed to protect the public and to achieve the maximum protection for those  
15 dealing with real estate licensees. Clients and commercial institutions rely on the licensee's integrity  
16 in representing them. Such licensees must be trustworthy. (*Ring v. Smith* (1970) 5 Cal.App.3d 197,  
17 205; *Golde v. Fox* (1976) 98 Cal.App.3d 167, 177. *Harrington v. Department of Real Estate* (1989)  
18 214 Cal.App.3d 394, 402.) Disciplinary procedures provided for in the Code are to protect the  
19 public not only from conniving real estate salespersons, but also from the uninformed, negligent, or  
20 unknowledgeable salesperson. (*Handeland v. Department of Real Estate* (1976) 58 Cal.App.3d  
21 513.)

22 4. The ALJ opined that:

23 "Under the particular facts of this case, where Respondent was relying on  
24 a seller to produce documentation necessary to register his car, it was not  
25 established that Respondent engaged in dishonesty that undermines his  
26 qualification as a real estate salesperson....Respondent's conviction did not  
27 involve crimes where he intentionally defrauded members of the public and  
willfully violated the law by failing to obtain licensure to engage in business...It  
was not established that Respondent was convicted of a crime substantially  
related to the qualifications, functions or duties of a real estate licensee."

However, the truth of the matter, as admitted by Respondent, is that he purchased a vehicle which he knew had false tags on it. Respondent knew that, for some unarticulated reason, the seller did not have paperwork demonstrating "title" or, put less delicately, proof of *ownership* of the vehicle at the time of the transaction. Respondent knew that transfers of title to vehicles must be registered with the Department of Motor Vehicles and that registration fees must be paid annually and kept current. As set forth in Legal Conclusion 1 above, the crime of which Respondent was convicted, falsifying evidence of registration is substantially related to the qualifications, functions and duties of a real estate licensee, pursuant to Regulations 2910(a)(2) and (7). Whether or not Respondent was "conniving" or merely naïve (uninformed, negligent or unknowledgeable), the following discipline is warranted to protect the public.

## ORDER

All licenses and licensing rights of Respondent BRETT C. DOSCHER under the Real Estate Law are revoked; provided, however, a restricted real estate salesperson license shall be issued to Respondent pursuant to Section 10156.5 of the Business and Professions Code if Respondent makes application therefor and pays to the Department of Real Estate the appropriate fee for the restricted license within 90 days from the effective date of this Decision. The restricted license issued to Respondent shall be subject to all of the provisions of Section 10156.7 of the Business and Professions Code and to the following limitation, conditions and restriction imposed under authority of Section 10156.6 of that Code:

1. The restricted license issued to Respondent may be suspended prior to hearing by Order of  
the Real Estate Commissioner in the event of Respondent's conviction or plea of nolo  
contendere to a crime which is substantially related to Respondent's fitness or capacity as a  
real estate licensee.

2. The restricted license issued to Respondent may be suspended prior to hearing by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner 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 the restricted license.

1  
2 3. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate  
3 license nor for the removal of any of the conditions, limitations or restrictions of a restricted  
4 license until two years have elapsed from the effective date of this Decision.

5 4. Respondent shall submit with any application for license under an employing broker, or any  
6 application for transfer to a new employing broker, a statement signed by the prospective  
7 employing real estate broker on a form approved by the Department of Real Estate which shall  
8 certify:

9 (a) That the employing broker has read the Decision of the Commissioner which  
10 granted the right to a restricted license; and

11 (b) That the employing broker will exercise close supervision over the performance by  
12 the restricted licensee relating to activities for which a real estate license is required.


13 5. Respondent shall, within nine months from the effective date of this Decision, present  
14 evidence satisfactory to the Real Estate Commissioner that Respondent has, since the most  
15 recent issuance of an original or renewal real estate license, taken and successfully completed  
16 the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for  
17 renewal of a real estate license. If Respondent fails to satisfy this condition, the Commissioner  
18 may order the suspension of the restricted license until the Respondent presents such evidence.  
19 The Commissioner shall afford Respondent the opportunity for a hearing pursuant to the  
20 Administrative Procedure Act to present such evidence.

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

1 This Decision shall become effective at 12 o'clock noon on DEC 20 2011.

2 IT IS SO ORDERED 11/21, 2011.

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4 BARBARA J. BIGBY  
5 Acting Real Estate Commissioner

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**FILED**

AUG 02 2011

DEPARTMENT OF REAL ESTATE

BY: 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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In the Matter of the Accusation of

BRETT C. DOSCHER,

Respondent.

No. H-36805 LA

OAH No. 2010101159

NOTICE

TO: BRETT C. DOSCHER, Respondent.

YOU ARE HEREBY NOTIFIED that the Proposed Decision herein dated June 28, 2011, of the Administrative Law Judge is not adopted as the Decision of the Real Estate Commissioner. A copy of the Proposed Decision dated June 28, 2011, is attached for your information.

In accordance with Section 11517(c) of the Government Code of the State of California, the disposition of this case will be determined by me after consideration of the record herein including the transcript of the proceedings held on March 23, 2011, any written argument hereafter submitted on behalf of Respondent and Complainant.

Written argument of Respondent to be considered by me must be submitted within 15 days after receipt of the transcript of the proceedings of March 23, 2011, at the

///

1 Los Angeles office of the Department of Real Estate unless an extension of the time is granted  
2 for good cause shown.

3 Written argument of Complainant to be considered by me must be submitted  
4 within 15 days after receipt of the argument of Respondent at the Los Angeles office of the  
5 Department of Real Estate unless an extension of the time is granted for good cause shown.

6 DATED: 7/28/11

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8 BARBARA J. BIGBY  
Acting Real Estate Commissioner

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BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

In the Matter of the Accusation against:

**BRETT C. DOSCHER,**

Respondent.

Case No. H-36805LA

OAH No. 2010101159

**PROPOSED DECISION**

Jennifer M. Russell, Administrative Law Judge, Office of Administrative Hearings, heard this matter in Los Angeles, California on March 23, 2011.

Julie L. To, Real Estate Counsel, represented Complainant.

Respondent Brett C. Doscher appeared in propria persona.

Oral and documentary evidence having been received and the matter having been submitted on March 23, 2011, the Administrative Law Judge makes the following Proposed Decision.

**FACTUAL FINDINGS**

1. Maria Suarez made the Accusation while acting in her official capacity as Deputy Real Estate Commissioner of the State of California.
2. On January 25, 2007, the Department of Real Estate (Department) issued real estate salesperson license number 01776810 to respondent. Respondent's real estate salesperson license expired January 24, 2011.<sup>1</sup>

*Cause for Discipline*

3. a. On March 24, 2009, in Superior Court of California, County of Los Angeles, in case number 9VY01256, respondent was convicted on his plea of nolo contendere to violating Vehicle Code section 4463, subdivision (a)(1) (false evidence of

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<sup>1</sup> Business and Professions Code section 10103 provides that "[t]he lapsing or suspension of a license by operation of law or by order or decision of the department or a court of law, or the voluntary surrender of a license by a licensee shall not deprive the department of jurisdiction to proceed with any investigation of or action or disciplinary proceeding against such licensee, or to render a decision suspending or revoking such license."

registration, ownership, or identification), a misdemeanor. The court suspended imposition of sentence and placed respondent on two years' summary probation under certain terms and conditions including performing six days of community service with Caltrans and paying fines totaling \$894.

b. Respondent elected to pay and in fact paid a higher fine in the amount of \$960 in lieu of performing community service with Caltrans. Respondent's probation expires one day after hearing in this matter.

4. Respondent's conviction arose from a gentleman's agreement gone awry. In late 2008, Respondent purchased a 1990 Mazda Miata from his employer's father on a hand shake for \$1,500. The seller, who was moving to Las Vegas and wanted to get rid of the car quickly, could not produce a certificate of title at the time of the sale. Respondent was aware of and concerned about "some title problems" with the vehicle, but he "drove a gas guzzler" at the time and "the real estate market was not doing well, so the deal was enticing." Additionally, the seller assuaged his concerns about the vehicle's title with a promise to "fix" the problem. Respondent "tried to stay on [the seller] to get the proper paper work to register the car," but the problem was never fixed. On March 21, 2009, Los Angeles police officers conducting random vehicle checks stopped respondent and discovered a discrepancy between the Mazda's license and registration and Department of Motor Vehicle data. The officers arrested respondent and impounded the Mazda.

#### *Factors in Aggravation and Mitigation*

5. Respondent graduated from California State University Northridge in 2008 with a Bachelor of Arts degree in Health Science. Respondent is single without children.

6. Respondent is a loan officer at Augusta Financial where he is responsible for loan origination. He "create[s] relationships and bring[s] in and organiz[es] clients and [do the] paper work."

7. Respondent's mentor Aaron DesMarais, is a licensed real estate salesperson, who has known respondent since 2005. Mr. DesMarais is familiar with the purchase transaction set forth in Factual Finding 4 because respondent "discussed the transaction" with him. Mr. DesMarais testified that the seller "vouched to take care of the situation and did not come through. He did not keep his word." Mr. DesMarais also testified that respondent was naive in assuming the seller's integrity. Mr. DesMarais regards respondent as an honorable and honest loan representative. "He is a top loan officer who always put clients first." "There is no question of personal integrity."

8. Respondent has no prior criminal record.

9. Respondent has no history of license discipline.

10. Respondent testified that "I'm a stand up guy. I love what I do. I will never get myself in that situation again." Respondent acknowledged that he "made a very bad mistake" and that he acted irresponsibly. Respondent's contrition was credible.

### LEGAL CONCLUSIONS

1. The record of respondent's misdemeanor conviction of Vehicle Code section 4463, subdivision (a) (1), is conclusive evidence that the conviction occurred. (*Robbins v. Davi* (2009) 175 Cal. App. 4th 118). The only question in this matter is whether Respondent's crime is substantially related to the qualifications, functions or duties of a real estate licensee.

2. Business and Professions Code sections 490 and 10177, subdivision (b), permit the suspension or revocation of a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions or duties of the business or profession for which the license was issued.

3. Business and Professions Code section 481 directs licensing authorities, such as the Department, to develop criteria to determine whether a given conviction is substantially related to the relevant professional qualifications. The Department's criteria appear in California Code of Regulations, title 10, section 2910, which provide as follows:

(a) When considering whether a license should be denied, suspended or revoked on the basis of the conviction of a crime, . . . the crime . . . shall be deemed substantially related to the qualifications, functions or duties of a licensee of the Department . . . if it involves:

(1) The fraudulent taking, obtaining, appropriating or retaining of funds or property belonging to another person.

(2) Counterfeiting, forging or altering of an instrument or the uttering of a false statement.

(3) Willfully attempting to derive a personal financial benefit through the nonpayment or underpayment of taxes, assessments or levies duly imposed upon the licensee or applicant by federal, state or local government.

(4) The employment of bribery, fraud, deceit, falsehood or misrepresentation to achieve an end.

(5) Sexually related misconduct affecting a person who is an observer or non-consenting participant in the conduct or convictions which require registration pursuant to the provisions of Section 290 of the Penal Code.

(6) Willfully violating or failing to comply with a provision of Division 4 of the Business and Professions Code of the State of California.

(7) Willfully violating or failing to comply with a statutory requirement that a license, permit or other entitlement be obtained from a duly constituted public authority before engaging in a business or course of conduct.

(8) Doing of any unlawful act with the intent of conferring a financial or economic benefit upon the perpetrator or with the intent or threat of doing substantial injury to the person or property of another.

(9) Contempt of court or willful failure to comply with a court order.

(10) Conduct which demonstrates a pattern of repeated and willful disregard of Law.

(11) Two or more convictions involving the consumption or use of alcohol or drugs when at least one of the convictions involve driving and the use or consumption of alcohol or drugs.

4. The Legislature intended to ensure that real estate brokers and salespersons will be honest, truthful and worthy of the fiduciary responsibilities which they will bear. Thus, honesty and truthfulness are two qualities deemed by the Legislature to bear on one's fitness and qualifications to be a real estate licensee. If a licensee's offenses reflect unfavorably on his honesty, it may be said he lacks the necessary qualifications to become a real estate salesperson. (See *Harrington v. Department of Real Estate* (1989) 214 Cal. App.3d 394, 402.)

5. Under the particular facts of this case, where respondent was relying on a seller to produce documentation necessary to register his car, it was not established that respondent engaged in dishonesty that undermines his qualification as a real estate salesperson. Unlike the real estate license applicant in *Harrington, supra*, respondent's conviction did not involve crimes where he intentionally defrauded members of the public and willfully violated the law by failing to obtain licensure to engage in business. Respondent's conviction did not involve any breach of professional promises, any dishonesty in financial transactions, or any disregard of the laws governing professional relationships. Respondent's conduct underlying his conviction is not the type of conduct the Legislature intended to prevent when it established laws and standards regulating real estate professionals in whom the public places its trusts. (See *Golde v. Fox* (1979) 98 Cal.App.3d 167, 177.) It was not established that respondent was convicted of a crime substantially related to the qualifications, functions, or duties of a real estate licensee.

6. California Code of Regulations, title 10, section 2910, subdivision (c) provides that "[i]f the crime . . . is substantially related to the qualifications, functions or duties of a licensee of the department, the context in which the crime . . . [was] committed shall go only

to the question of the weight to be accorded to the crime . . . in considering the action to be taken with respect to the applicant or licensee."

7. Even assuming substantially relatedness, the context of respondent's conduct establishes that slight weight is reasonably accorded respondent's crime. As set forth in Factual Findings 4 and 7, respondent's failure to comply with the Department of Motor Vehicle requirements for the transfer of title and registration of a vehicle he acquired evinces conduct more muddleheaded than dishonest or deceitful.

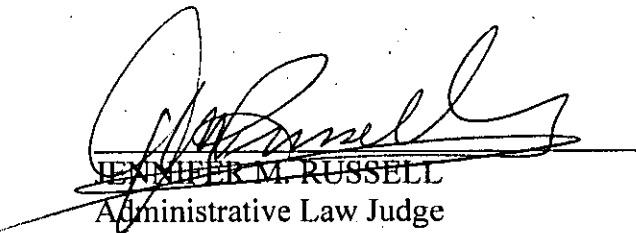
8. Cause does not exist pursuant to Business and Professions Code sections 490 and 10177, subdivision (b), to suspend or revoke real estate salesperson license number 01776810 issued to respondent Brett C. Doscher.

9. Since no cause exists to suspend or revoke respondent's real estate salesperson license, respondent need not establish his rehabilitation pursuant to California Code of Regulations, title 10, section 2912.

#### ORDER

*Not Admitted*  
The Accusation against Brett C. Doscher is hereby dismissed.

DATED: June 28, 2011

  
JENNIFER M. RUSSELL

Administrative Law Judge  
Office of Administrative Hearings

JULIE L. TO, Counsel (SBN 219482)  
Department of Real Estate  
320 West 4th Street, Suite 350  
Los Angeles, California 90013-1105

Telephone: (213) 576-6982  
(Direct) (213) 576-6916

**FILED**

SEP 14 2010

DEPARTMENT OF REAL ESTATE

BY: 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of )	No. H-36805 LA
)	
BRETT C. DOSCHER, )	<u>A C C U S A T I O N</u>
)	
Respondent. )	
)	

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against BRETT C. DOSCHER ("Respondent") alleges as follows:

1.

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, makes this Accusation in her official capacity.

2.

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

1 3.

2 On or about March 24, 2009, in the Superior Court of  
3 the State of California, County of Los Angeles, in Case No.  
4 9VY01256, Respondent was convicted of violating Vehicle Code  
5 Section 4463(A)(1)(falsifying evidence of registration,  
6 ownership, or identification), a misdemeanor. Respondent was  
7 sentenced to 24 months probation, six days of Cal Trans, and  
8 ordered to pay fines.

9 4.

10 This conviction, by its facts and circumstances, bears  
11 a substantial relationship under Section 2910, Title 10, Chapter  
12 6, California Code of Regulations to the qualifications,  
13 functions or duties of a real estate licensee.

14 5.

15 The crime of which Respondent was convicted  
16 constitutes cause under Sections 490 and 10177(b) of the Code  
17 for the suspension or revocation of the license and license  
18 rights of Respondent under the Real Estate Law.

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1 WHEREFORE, Complainant prays that a hearing be  
2 conducted on the allegations of this Accusation and that upon  
3 proof thereof, a decision be rendered imposing disciplinary  
4 action against all the licenses and license rights of  
5 Respondent, BRETT C. DOSCHER, under the Real Estate Law (Part 1  
6 of Division 4 of the Business and Professions Code) and for such  
7 other and further relief as may be proper under other applicable  
8 provisions of law.

9 Dated at Los Angeles, California

10 this 31st day of August, 2010.

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14 MARIA SUAREZ  
15 Deputy Real Estate Commissioner  
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26 cc: BRETT C. DOSCHER  
27 J & R Lending Inc.  
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