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**FILED**

AUG 23 2011

DEPARTMENT OF REAL ESTATE

BY: 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of )	No. H- 37468 LA
TIMOTHY MICHAEL DWYER, SR., )	<u>A C C U S A T I O N</u>
Respondent. )	

The Complainant, Joseph Aiu, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against TIMOTHY MICHAEL DWYER, SR. ("Respondent"), alleges as follows:

1.

The Complainant, Joseph Aiu, a Deputy Real Estate Commissioner of the State of California, makes this Accusation in his 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

1 estate salesperson. Respondent's license expired on January  
2 24, 2011. Pursuant to Code Section 10201 Respondent retains  
3 renewal rights. Pursuant to Section 10103 the Department  
4 retains jurisdiction.

5 3.

6 On or about January 12, 2010, in the Superior Court of  
7 the State of California, County of Riverside, in Case No.  
8 SWM088147, Respondent was convicted of violating Penal Code  
9 Sections 243(e)(1) (battery on spouse or cohabitant) and 242  
10 (battery), misdemeanors. Respondent was sentenced to 15 days in  
11 jail; 36 months probation; ordered to pay fines; ordered to  
12 perform 20 hours of community service; enroll in a 52-week  
13 domestic violence program, and refrain from annoying, harassing,  
14 threatening or disturbing the peace of the victims.

15 4.

16 This conviction, by its facts and circumstances, bears  
17 a substantial relationship under Section 2910, Title 10, Chapter  
18 6, California Code of Regulations to the qualifications,  
19 functions or duties of a real estate licensee.

20 5.

21 The crime of which Respondent was convicted  
22 constitutes cause under Sections 490 and 10177(b) of the Code  
23 for the suspension or revocation of the license and license  
24 rights of Respondent under the Real Estate Law.

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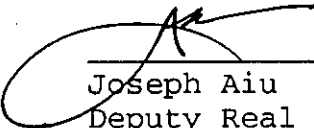
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1 WHEREFORE, Complainant prays that a hearing be  
2 conducted on the allegations of this Accusation and that upon  
3 proof thereof, a decision be rendered imposing disciplinary  
4 action against all the licenses and license rights of  
5 Respondent,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

9 Dated at San Diego, California

10 this 18 day of August, 2011.

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13 Joseph Aiu  
14 Deputy Real Estate Commissioner  
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25 cc: TIMOTHY MICHAEL DWYER, SR.  
26 Joseph Aiu  
27 Sacto.