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FILED

APR 20 2012

DEPARTMENT OF REAL ESTATE

BY: 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H- 38073 LA
GILBERTO MARIN,)	<u>A C C U S A T I O N</u>
Respondent.)	

The Complainant, Robin Trujillo, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against GILBERTO MARIN, a.k.a. Gilberto Gonzalez Marin or Jose A. Marin or Jose Gilberto Marin ("Respondent"), alleges as follows:

1.

The Complainant, Robin Trujillo, 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

1 California Business and Professions Code ("Code"), as a real
2 estate salesperson.

3 3.

4 On or about April 20, 2011, in the Superior Court of
5 the State of California, County of Orange, in Case No.
6 11WM05819, Respondent pled guilty and was convicted of one count
7 for violation of Penal Code Section 245(A)(1) (aggravated
8 assault) and one count for violation of Penal Code Section
9 273.5(A) (domestic battery with corporal injury), misdemeanors.
10 Respondent was sentenced to three years probation, ten days in
11 jail, ordered to pay fines and ordered to complete 52 weeks of
12 a Batterer's Treatment Program and eight hours of community
13 service.

14 4.

15 These convictions, by their facts and circumstances,
16 bear a substantial relationship under Section 2910, Title 10,
17 Chapter 6, California Code of Regulations to the qualifications,
18 functions or duties of a real estate licensee.

19 5.

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

24 6.

25 Code Section 10106 provides, in pertinent part, that
26 in any order issued in resolution of a disciplinary proceeding
27 before the Department of Real Estate, the Commissioner may

1 request the administrative law judge to direct a licensee found
2 to have committed a violation of this part to pay a sum not to
3 exceed the reasonable costs of the investigation and enforcement
4 of the case.

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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 licenses and license rights of Respondent
5 GILBERTO MARIN under the Real Estate Law (Part 1 of Division 4
6 of the Business and Professions Code), for the cost of
7 investigation and enforcement as permitted by law, and for such
8 other and further relief as may be proper under other provisions
9 of law.

10 Dated at Los Angeles, California.

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12 this 16 day of April, 2012.

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15 _____
16 Robin Trujillo
17 Deputy Real Estate Commissioner
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23 cc: GILBERTO MARIN
24 Downey Market Center, Inc.
25 Robin Trujillo
26 Sacto.
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