

FILED

NOV - 2 2012

DEPARTMENT OF REAL ESTATE
BY: *[Signature]*

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7
8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)	No. H-38520 LA
12 MICHAEL J. HOLDEN,)	<u>A C C U S A T I O N</u>
13 Respondent.)	
14)	

15 The Complainant, Maria Suarez, a Deputy Real Estate
16 Commissioner of the State of California, acting in her official
17 capacity, for cause of Accusation against MICHAEL J. HOLDEN aka
18 Michael John Holden aka Michael James Holden aka Michael John
19 Holdem ("Respondent") alleges as follows:

20 1.

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

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1 (CRIMINAL CONVICTIONS)

2 2.

3 On or about December 29, 2009, in the Superior Court
4 of California, County of Orange, in Case No. 09CM10150,
5 Respondent was convicted of violating Penal Code Section
6 243(e)(1) (Injuring Wireless Device to Prevent Crime Report), a
7 misdemeanor. This crime is substantially related to the
8 qualifications, functions or duties of a real estate licensee
9 under Section 2910, Title 10, Chapter 6, California Code of
10 Regulations.

11 3.

12 On or about June 7, 2011, in the Superior Court of
13 California, County of Orange, in Case No. 10CF1873, Respondent
14 was convicted of violating Penal Code Sections 487(a) (Grand
15 Theft), and 496(a) (Receiving Stolen Property), both felonies.
16 These crimes are substantially related to the qualifications,
17 functions or duties of a real estate licensee under Section
18 2910, Title 10, Chapter 6, California Code of Regulations.

19 4.

20 On or about June 7, 2011, in the Superior Court of
21 California, County of Orange, in Case No. 10NM02439, Respondent
22 was convicted of violating Health and Safety Code Section
23 11364 (Possession of Drug Paraphernalia), and Vehicle Code
24 Section 14601.2 (Driving Suspended License), both misdemeanors.
25 These crimes are substantially related to the qualifications,
26 functions or duties of a real estate licensee under Section
27 2910, Title 10, Chapter 6, California Code of Regulations.

1 5.

2 On or about June 7, 2011, in the Superior Court of
3 California, County of Orange, in Case No. 10HM04144, Respondent
4 was convicted of violating Penal Code Section 166(c)(1)
5 (Violation of a Protective Order), a misdemeanor. This crime is
6 substantially related to the qualifications, functions or duties
7 of a real estate licensee under Section 2910, Title 10, Chapter
8 6, California Code of Regulations.

9 6.

10 On or about June 7, 2011, in the Superior Court of
11 California, County of Orange, in Case No. 10HM04335, Respondent
12 was convicted of violating Health and Safety Code Section 11550
13 (Under the Influence of Methamphetamine), a misdemeanor. This
14 crime is substantially related to the qualifications, functions
15 or duties of a real estate licensee under Section 2910, Title
16 10, Chapter 6, California Code of Regulations.

17 7.

18 On or about June 7, 2011, in the Superior Court of
19 California, County of Orange, in Case No. 10HF0773, Respondent
20 was convicted of violating Penal Code Section 459-460(b) (Second
21 Degree Commercial Burglary), a felony, Health and Safety Code
22 Section 11550(a) (Under the Influence of Controlled Substance),
23 a misdemeanor, and Penal Code Section 273.6(a) (Violation of a
24 Protective Order), a misdemeanor. These crimes are
25 substantially related to the qualifications, functions or duties
26 of a real estate licensee under Section 2910, Title 10, Chapter
27 6, California Code of Regulations.

1 8.

2 On or about June 7, 2011, in the Superior Court of
3 California, County of Orange, in Case No. 10HM05639, Respondent
4 was convicted of violating Penal Code Section 166(c)(4)
5 (Violation of a Protective Order with Prior Conviction), a
6 misdemeanor. This crime is substantially related to the
7 qualifications, functions or duties of a real estate licensee
8 under Section 2910, Title 10, Chapter 6, California Code of
9 Regulations.

10 9.

11 On or about June 7, 2011, in the Superior Court of
12 California, County of Orange, in Case No. 11CM05909, Respondent
13 was convicted of violating Penal Code Section 273.6(a) (Violation
14 of a Protective Order), a misdemeanor. This crime is
15 substantially related to the qualifications, functions or duties
16 of a real estate licensee under Section 2910, Title 10, Chapter
17 6, California Code of Regulations.

18 10.

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

24 (PRIOR DISCIPLINE)

25 11.

26 On January 4, 2005, effective February 14, 2005, in
27 Case No. H-30967 LA, the Real estate Commissioner revoked

1 Respondent's real estate broker license, but granted Respondent
2 the right to a restricted real estate broker license pursuant to
3 Business and Professions Code Sections 490, and 10177(b).

4 12.


5 California Business and Professions Code Section 10106
6 provides, in pertinent part, that in any order issued in
7 resolution of a disciplinary proceeding before the department,
8 the Commissioner may request the administrative law judge to
9 direct a licensee found to have committed a violation of this
10 part to pay a sum not to exceed the reasonable costs of
11 investigation and enforcement 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 the licenses and license rights of
5 Respondent, MICHAEL J. HOLDEN, under the Real Estate Law (Part 1
6 of Division 4 of the Business and Professions Code), for the
7 costs of investigation and enforcement as provided by law, and
8 for such other and further relief as may be proper under other
9 applicable provisions of law.

10 Dated at San Diego, California: 30 October 2012.

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Maria Suarez
Deputy Real Estate Commissioner

cc: Michael J. Holden
Maria Suarez
Sacto.