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FILED

MAR 07 2013

DEPARTMENT OF REAL ESTATE
BY: *[Signature]*

8
9 BEFORE THE DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of)	No. H- 38757 LA
13 ALAN KEITH ONTIVEROS,)	<u>ACCUSATION</u>
14 Respondents.)	
15 _____)	

16 The Complainant, Howard Alston, a Deputy Real Estate
17 Commissioner of the State of California, for cause of Accusation
18 against ALAN KEITH ONTIVEROS ("Respondent") alleges as follows:
19

20 1.

21 The Complainant, Howard Alston, a Deputy Real Estate
22 Commissioner of the State of California, makes this Accusation
23 in his official capacity.

24 2.

25 Respondent is presently licensed and/or has license
26 rights under the Real Estate Law (Part 1 of Division 4 of the
27

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

3 3.

4 On or about March 3, 2010, Respondent executed and
5 submitted to the Department as part of Respondent's Salesperson
6 Renewal Application a Continuing Education Course Verification
7 ("CE Verification") form representing that he had taken and
8 completed each of nine separate courses listed on his CE
9 Verification form.

10 4.

11 In reliance on Respondent's representation as set
12 forth in Paragraph 3, above, on or about March 8, 2010, the
13 Department processed Respondent's renewal application and issued
14 to him a real estate salesperson license with an effective date
15 of March 28, 2010.

16 5.

17 Thereafter, as a result of an investigation undertaken
18 by the Department, it was determined that Respondent had failed
19 to actually take and complete four of the courses listed on the
20 CE Verification form as described in Paragraph 3, above.
21 Specifically, Respondent failed to take and complete the
22 following courses:
23

24 a. C1 101: Financial Analysis for Commercial Real
25 Estate;

26 b. Trust Fund Handling;

27 c. Agency Relationships, Duties & Disclosures; and

1 d. Ethics, Professional Conduct, and the Real Estate
2 Professional.

3 6.

4 Respondent's representation, as alleged in Paragraph
5 3, above, was false and fraudulent and made with the intent to
6 fraudulently induce the Department to issue a renewal real
7 estate salesperson license to Respondent despite Respondent's
8 failure to have completed the necessary continuing education
9 coursework entitling Respondent to the renewal of his license.

10 7.

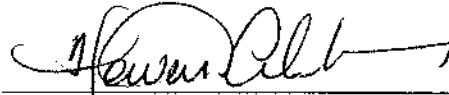
11 The conduct, acts and/or omissions of Respondent, as
12 described herein above, constitute knowingly making a false
13 statement of material fact in an application for a renewal of a
14 real estate license, the making of a substantial
15 misrepresentation, and/or fraud or dishonest dealing, and are
16 cause for the suspension or revocation of all real estate
17 licenses and license rights of Respondent ALAN KEITH ONTIVEROS
18 under the provisions of Code Sections 498, 10177(a), 10176(a),
19 10176(i), 10177(d), 10177(g) and/or 10177(j).

21 California Business and Professions Code Section 10106
22 provides, in pertinent part, that in any order issued in
23 resolution of a disciplinary proceeding before the department,
24 the Commissioner may request the administrative law judge to
25 direct a licensee found to have committed a violation of this
26 part to pay a sum not to exceed the reasonable costs of
27 investigation and enforcement of the case.

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

10 Dated at Los Angeles, California

11 this 7th day of March, 2013.

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15 _____
16 Howard Alston
17 Deputy Real Estate Commissioner
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25 cc: ALAN KEITH ONTIVEROS
26 Coldwell Banker Residential Brokerage
27 Howard Alston
Sacto.