

*Sachs Flag*

1 DIANE LEE, Counsel (SBN 247222)  
2 Department of Real Estate  
3 320 West 4th Street, Suite 350  
4 Los Angeles, California 90013  
5 Telephone: (213) 576-6982  
6 (Direct) (213) 576-6907  
7

**FILED**

**MAY 31 2013**

**DEPARTMENT OF REAL ESTATE**  
BY: *[Signature]*

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of ) No. H-38890 LA  
12 )  
13 MANUEL GUTIERREZ, ) A C C U S A T I O N  
14 ) Respondent. )

15 The Complainant, Veronica Kilpatrick, a Deputy Real  
16 Estate Commissioner of the State of California for cause of  
17 Accusation against MANUEL GUTIERREZ ("Respondent") alleges as  
18 follows:

19 1.

20 The Complainant, Veronica Kilpatrick, a Deputy Real  
21 Estate Commissioner of the State of California, makes this  
22 Accusation in her official capacity.

23 2.

24 Respondent is presently licensed and/or has license  
25 rights under the Real Estate Law, Part 1 of Division 4 of the  
26 California Business and Professions Code as a real estate  
27 broker. Respondent's license expired on August 13, 2011. The

1 Department of Real Estate retains jurisdiction over the license  
2 pursuant to California Business and Professions Code Section  
3 10103.

4  
5 (CRIMINAL CONVICTIONS)

6 3.

7 On or about March 29, 2011, in the Superior Court of  
8 California, County of Riverside, in case no. SWM1100772,  
9 Respondent was convicted of violating California Penal Code  
10 Section 594(b)(1) (vandalism greater than \$400.00), a  
11 misdemeanor. This crime is substantially related to the  
12 qualifications, functions, or duties of a real estate licensee  
13 under Section 2910, Title 10, Chapter 6, California Code of  
14 Regulations.

15 4.

16 On or about March 29, 2011, in the Superior Court of  
17 California, County of Riverside, in case no. SWM1100985,  
18 Respondent was convicted of violating California Penal Code  
19 Section 273.6(a) (violating court order to prevent domestic  
20 violence), a misdemeanor. This crime is substantially related  
21 to the qualifications, functions, or duties of a real estate  
22 licensee under Section 2910, Title 10, Chapter 6, California  
23 Code of Regulations.

24 5.

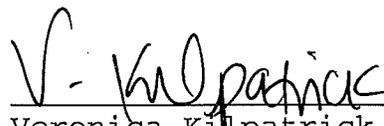
25 The crimes of which Respondent was convicted, as  
26 described above, constitute cause under California Business and  
27 Professions Code Sections 490 and 10177(b) for the suspension or

1 revocation of the license and license rights of Respondent under  
2 the Real Estate Law.

3 California Business and Professions Code Section 10106  
4 provides, in pertinent part, that in any order issued in  
5 resolution of a disciplinary proceeding before the department,  
6 the Commissioner may request the administrative law judge to  
7 direct a licensee found to have committed a violation of this  
8 part to pay a sum not to exceed the reasonable costs of  
9 investigation and enforcement of the case.

10 WHEREFORE, Complainant prays that a hearing be  
11 conducted on the allegations of this Accusation and that upon  
12 proof thereof, a decision be rendered imposing disciplinary  
13 action against all licenses and/or license rights under the Real  
14 Estate Law (Part 1 of Division 4 of the California Business and  
15 Professions Code) of Respondent MANUEL GUTIERREZ for the cost of  
16 investigation and enforcement as permitted by law, and for such  
17 other and further relief as may be proper under applicable  
18 provisions of law.

19 Dated at Los Angeles, California: 6<sup>th</sup> of February, 2013.

21   
22 \_\_\_\_\_  
23 Veronica Kilpatrick  
24 Deputy Real Estate Commissioner

25 CC: MANUEL GUTIERREZ  
26 Veronica Kilpatrick  
27 Sacto.