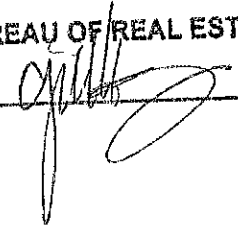


FILED

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BUREAU OF REAL ESTATE

By



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BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

10 In the Matter of the Accusation of) CalBRE No. H-40355 LA
11 SHARON KATE JIMENEZ,) OAH No. 2016090476
12 Respondent.) FIRST AMENDED ACCUSATION
13 _____)

14 This First Amended Accusation amends the Accusation filed on August 25, 2016. The
15 Complainant, Maria Suarez, a Supervising Special Investigator for the Bureau of Real Estate
16 ("Bureau") of the State of California, for cause of Accusation against SHARON KATE
17 JIMENEZ ("Respondent"), is informed and alleges as follows:

18 1.

19 The Complainant, Maria Suarez, a Supervising Special Investigator for the Bureau,
20 makes this Accusation in her official capacity.

21 2.

22 Respondent is presently licensed and/or has license rights under the Real Estate Law
23 (Part 1 of Division 4 of the California Business and Professions Code, "Code").
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Flag

1 3.

2 From July 23, 2005, through the present, Respondent has been licensed by the Bureau as
3 a real estate salesperson, License ID 01701327.

4 CAUSE OF ACCUSATION

5 Failure to Disclose

6 4.

7 On November 30, 2014, Respondent submitted a Salesperson Renewal Application to
8 the Bureau. Respondent replied "No" in response to Question 4 of the application, to wit,
9 "WITHIN THE SIX-YEAR PERIOD PRIOR TO FILING THIS APPLICATION, HAVE YOU
10 BEEN CONVICTED OF A MISDEMEANOR OR FLEONY? **CONVICTIONS EXPUNGED**
11 **UNDER PENAL CODE SECTION 1203.4 MUST BE DISCLOSED. HOWEVER, YOU**
12 **MAY OMIT TRAFFIC CITATIONS WHICH DO NO CONSTITUTE A**
13 **MISDEMEANOR OR FELONY.**" [emphasis in original]. Respondent failed to disclose the
14 convictions set forth below in Paragraphs 6, 7, and 8.

15 5.

16 In aggravation, on May 15, 2009, Respondent submitted a Salesperson Renewal
17 Application to the Bureau. Respondent replied "No" in response to Question 3 of the
18 application, to wit, "WITHIN THE PAST FOUR YEAR PERIOD, HAVE YOU BEEN
19 CONVICTED OF ANY VIOLATION OF LAW? **CONVICTIONS EXPUNGED UNDER**
20 **PENAL CODE SECTION 1203.4 MUST BE DISCLOSED. HOWEVER, YOU MAY**
21 **ONLY OMIT TRAFFIC CITATIONS WHICH DO NO CONSTITUTE A**
22 **MISDEMEANOR OR FELONY.**" [emphasis in original]. Respondent failed to disclose the
23 conviction set forth below in Paragraph 8.

1 Convictions

2 6.

3 On or about November 1, 2013, before the Superior Court of the State of California,
4 Orange County, in Case No. 13WM08049, Respondent pled guilty to and was convicted of
5 violating California Vehicle Code sections 23152, subdivision (a), (driving under the influence
6 of alcohol/drugs with two priors); 23152, subdivision (b), (driving with blood alcohol
7 concentration of 0.08% or more with two priors); 14601.2, subdivision (a), (driving with a
8 suspended license); and 20002, subdivision (a), (hit and run with property damage), all
9 misdemeanors. Respondent was also convicted of violating California Vehicle Code section
10 23154, subdivision (a), (driving with a .01% or greater blood alcohol concentration), an
11 infraction. Respondent also admitted to the prior misdemeanor convictions alleged in the
12 complaint for Case No. 13WM08049.

13 7.

14 On or about March 24, 2011, Respondent pled nolo contendere to and was convicted of
15 violating California Vehicle Code section 23152, subdivision (b), before the Superior Court of
16 the State of California, Los Angeles County, in Case No. 1BF0095001. Respondent was placed
17 on 4 years summary probation, ordered to pay restitution, fines and fees, and ordered to
18 complete an 18-month second offender alcohol education and counseling program.

19 8.

20 On or about June 2, 2008, Respondent pled nolo contendere to and was convicted of
21 violating California Vehicle Code section 23152, subdivision (b), before the Superior Court of
22 the State of California, Los Angeles County, in Case No. 8LT0073701. Respondent was placed
23 on 3 years summary probation, ordered to pay restitution, fines and fees, and ordered to
24

1 complete a three-month first offender alcohol education and counseling program.

2 9.

3 The convictions alleged above in Paragraphs 6, 7, and 8, and the circumstances
4 surrounding said convictions, bear a substantial relationship to the qualifications, functions or
5 duties of a real estate licensee under Section 2910, subdivisions 10 and 11, of the Regulations of
6 the Real Estate Commissioner, Title 10, Chapter 6, California Code of Regulations.

7 11.

8 Respondent's failure to disclose the convictions set forth above in Paragraphs 6, 7, and 8,
9 on her 2014 real estate salesperson license renewal application constitutes the procurement of a
10 real state license by misrepresentation, fraud or deceit, or by making a material misstatement of
11 fact in said application which is cause for the suspension or revocation of all licenses and license
12 rights of Respondent pursuant to Code sections 498 and 10177, subdivision (a).

13 COST RECOVERY

14 12.

15 Code Section 10106 provides, in pertinent part, that in any order issued in resolution of a
16 disciplinary proceeding before the Bureau, the Commissioner may request the Administrative
17 Law Judge to direct a licensee found to have committed a violation of this part to pay a sum not
18 to exceed the reasonable costs of the investigation and enforcement of the case.

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23 ///

