

1 DIANE LEE, Counsel (SBN 247222)
2 Bureau 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

FILED

NOV 21 2016

BUREAU OF REAL ESTATE

By *Al Solis*

8 BEFORE THE BUREAU OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of) No. H-40474 LA
12 MARK R. MACIAS,) STATEMENT OF ISSUES
13 Respondent.)
14)

15
16 The Complainant, Veronica Kilpatrick, a Supervising Special Investigator of the
17 State of California, acting in her official capacity, for Statement of Issues against MARK R.
18 MACIAS aka Mark Ruben Macias aka Mark Ruben Macias-Gonzalez (“Respondent”) alleges
19 as follows:

20 1.

21 On or about February 2, 2016, Respondent made application to the Bureau of
22 Real Estate of the State of California for a real estate salesperson license.

23 ///

24 ///

25 ///

26 ///

27 ///

1 FIRST CAUSE OF ACTION

2 (CRIMINAL CONVICTIONS)

3 2.

4 On or about April 14, 2003, in the Superior Court of California, County of San
5 Bernardino, case no. TVA89655, Respondent was convicted of violating California Vehicle
6 Code section 23152(b) (driving with a blood alcohol level of 0.08 percent or more), a
7 misdemeanor. In part, Respondent was sentenced to 36 months of probation, pay a \$1,639.00
8 fine, and attend and complete a First Offender Alcohol Program. Said crime bears a substantial
9 relationship to the qualifications, functions, or duties of a real estate licensee under Section
10 2910, Title 10, Chapter 6, California Code of Regulations.

11 3.

12 On or about March 29, 2005, in the Superior Court of California, County of San
13 Bernardino, case no. TSB116994, Respondent was convicted of violating California Vehicle
14 Code sections 23152(a) (driving under the influence of alcohol), 23152(b) (driving with a blood
15 alcohol level of 0.08 percent or more), and 14601.2 (driving with a suspended license), all
16 misdemeanors. In part, Respondent was sentenced to 36 months of probation, pay a \$1,478.00
17 fine, register and complete a SB38 alcohol rehabilitation program, and serve 15 days in
18 jail/work release. Said crimes bear a substantial relationship to the qualifications, functions, or
19 duties of a real estate licensee under Section 2910, Title 10, Chapter 6, California Code of
20 Regulations.

21 4.

22 On or about April 25, 2006, in the Superior Court of California, County of San
23 Bernardino, case no. TSB119843, Respondent was convicted of violating California Vehicle
24 Code section 23152(b) (driving with a blood alcohol level of 0.08 percent or more), a
25 misdemeanor. In part, Respondent was sentenced to 36 months of probation, pay \$1,513.00
26 fine, and attend and complete a Multiple Offender Alcohol Program, have his driver's license
27

1 revoked for 36 months, and serve 180 days in jail/work release. Said crime bears a substantial
2 relationship to the qualifications, functions, or duties of a real estate licensee under Section
3 2910, Title 10, Chapter 6, California Code of Regulations.

4 5.

5 On or about January 6, 2014, in the Superior Court of California, County of San
6 Bernardino, case no. TSB1302617, Respondent was convicted of violating California Vehicle
7 Code sections 23152(a) (driving under the influence of alcohol) and 23152(b) (driving with a
8 blood alcohol level of 0.08 percent or more), both misdemeanors. In part, Respondent was
9 sentenced to 36 months of probation, pay a \$1,867.00 fine, serve 137 days in jail/work release,
10 and attend and complete a Multiple Offender Alcohol Program. Said crimes bear a substantial
11 relationship to the qualifications, functions, or duties of a real estate licensee under Section
12 2910, Title 10, Chapter 6, California Code of Regulations.

13 6.

14 The crimes of which Respondent was convicted as alleged above constitute
15 cause for denial of Respondent's application for a real estate license under California Business
16 and Professions Code sections 475(a)(2), 480(a), 10177(b), and 10177(j).

17
18 SECOND CAUSE OF ACTION

19 (FAILURE TO REVEAL CONVICTIONS)

20 7.

21 In response to Question 32 of his license application, to wit: "HAVE YOU
22 EVER BEEN CONVICTED (SEE PARAGRAPH ABOVE) OF ANY VIOLATION OF THE
23 LAW AT THE MISDEMEANOR OR FELONY LEVEL? IF YES, COMPLETE ITEM 38
24 WITH INFORMATION ON EACH CONVICTION," Respondent answered, "Yes," but failed
25 to reveal the convictions described in Paragraph 2, above.

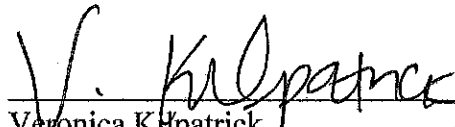
26 ///

Respondent's failure to reveal this conviction in his license application constitutes knowingly making false statements of material facts required to be revealed in said application, which is grounds for denial of the issuance of a license under California Business and Professions Code sections 475(a)(1), 480(d), and 10177(a).

These proceedings are brought under the provisions of Section 10100, Division 4 of the Business and Professions Code of the State of California and Sections 11500 through 11528 of the California Government Code.

WHEREFORE, the Complainant prays that the above-entitled matter be set for hearing and, upon proof of the charges contained herein, that the Commissioner refuse to authorize the issuance of, and deny the issuance of, a real estate salesperson license to Respondent MARK R. MACIAS and for such other and further relief as may be proper under other applicable provisions of law.

Dated at San Diego, California: November 10, 2016.


Veronica Kilpatrick
Supervising Special Investigator

cc: MARK R. MACIAS
TNC, Inc.
Veronica Kilpatrick
Sacto