

FILED

JUL 27 2017

BUREAU OF REAL ESTATE

By *Agneil Curran*

BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of)	CalBRE No. H-40542 LA
)	
RYAN MICHAEL DOBLADO,)	OAH No. 2017030735
)	
Respondent.)	

DECISION

The Proposed Decision dated June 26, 2017, of the Administrative Law Judge of the Office of Administrative Hearings, is hereby adopted as the Decision of the Real Estate Commissioner in the above-entitled matter.

The Decision suspends or revokes one or more real estate licenses.

Pursuant to Government Code section 11521, the Bureau of Real Estate may order reconsideration of this Decision on petition of any party. The Bureau's power to order reconsideration of this Decision shall expire 30 days after mailing of this Decision, or on the effective date of this Decision, whichever occurs first. The right to reinstatement of a revoked real estate license or to the reduction of a penalty is controlled by Section 11522 of the Government Code. A copy of Sections 11521 and 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of respondent.

This Decision shall become effective at 12 o'clock noon on AUG 16 2017.

IT IS SO ORDERED 7/25/17

WAYNE S. BELL
REAL ESTATE COMMISSIONER

By *Daniel J. Sandri*
DANIEL J. SANDRI
Chief Deputy Commissioner

BEFORE THE
BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

RYAN MICHAEL DOBLADO,

Respondent.

Case No. H-40542 LA

OAH No. 2017030735

PROPOSED DECISION

Laurie R. Pearlman, Administrative Law Judge, Office of Administrative Hearings, heard this matter on May 31, 2017, in Los Angeles, California.

Julie L. To, Counsel, represented Veronica Kilpatrick (Complainant).

There was no appearance by, or on behalf of, Ryan Michael Doblado (Respondent), who was properly served with notice of the time and place of hearing at his address of record, which was the same address provided on his notice of defense.

At the hearing, Complainant's motion to amend the Accusation to correct a misspelling was granted. Page 2, line 1 of the Accusation was corrected by interlineation, as follows: "Dobaldo Inc." was corrected to read "Doblado Inc."

Complainant seeks to discipline Respondent's real estate broker license on the basis of Respondent's criminal conviction and his failure to report the conviction to the Bureau of Real Estate (Bureau). Evidence was presented at the hearing, and the matter was submitted for decision on May 31, 2017.

FACTUAL FINDINGS

1. Complainant filed the Accusation in her official capacity as a Supervising Special Investigator of the State of California.

2. On March 26, 2013, the Bureau issued Real Estate Broker License Number 01925184 to Respondent. The license expired on March 25, 2017, and has not been renewed. Respondent's license has not been previously disciplined. Respondent is also licensed as the designated officer of Doblado Inc. (BRE license number C/01952649) until April 29, 2018, the scheduled expiration date of his affiliation.

Criminal Conviction

3. On September 22, 2015, in the Superior Court of the State of California, County of San Diego, in case number CN345025, Respondent was convicted, on his plea of guilty, of violating Vehicle Code section 23153, subdivision (a) (driving a vehicle while having 0.08 percent or more blood alcohol content, and in so driving, causing bodily injury to another), a misdemeanor. The court suspended imposition of sentence and placed Respondent on summary probation for five years on terms and conditions which included service of nine days in county jail, payment of fines and assessments to the court, and completion of the First Offender and Mothers Against Drunk Driving programs.

4. The facts and circumstances of the conviction are that on May 2, 2015, Respondent and his wife were heading home from a wedding. Respondent had consumed an unspecified amount of alcoholic beverages. As he was driving through an intersection, Respondent's vehicle collided with another vehicle, causing that vehicle to rotate and roll over. The two individuals in the other vehicle suffered injuries and were transported to the hospital by ambulance. When a California Highway Patrol officer arrived on the scene, he noticed the strong odor of an alcoholic beverage emitting from Respondent's person and breath. Respondent's eyes were red and watery and his speech was slow and rambling. Respondent refused to answer questions about his alcohol consumption. He failed field sobriety tests and was placed under arrest. Shortly thereafter, Respondent provided two breath samples, which showed a breath alcohol content of .086 and .087.

5. Respondent's conviction is substantially related to the qualifications, functions, and duties of a real estate broker by reason of California Code of Regulations (CCR), title 10, section 2910, subdivision (a)(8), in that Respondent performed an unlawful act by driving with a blood alcohol level of .08 or higher, with the threat of doing substantial injury to the person or property of another.

Failure to Notify the Bureau of the Conviction

6. Respondent did not report the September 22, 2015 conviction in writing to the Bureau within 30 days of the conviction date, as required by Business and Professions Code¹ section 10186.2.

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¹ All further statutory references are to the Business and Professions Code.

Costs of Investigation and Enforcement

7. The Bureau has incurred investigation costs in the amount of \$695.50 and enforcement costs in the amount of \$262.55, totaling \$958.05. These costs are reasonable.

LEGAL CONCLUSIONS

1. Section 10103 provides that expiration of a license shall not deprive the Bureau of jurisdiction to proceed with a disciplinary proceeding or to render a decision suspending or revoking a license.

2. Grounds exist to discipline Respondent's license pursuant to sections 490 and 10177, subdivision (b), in that he was convicted of a crime substantially related to the qualifications, functions, and duties of a real estate licensee, by reason of Factual Findings 3-5.

3. Grounds exist to discipline Respondent's license pursuant to section 10186.2 in that he did not inform the Bureau about his September 22, 2015 conviction, by reason of Factual Findings 3-6.

4. Cause exists pursuant to section 10106 to order Respondent to pay the Bureau's costs of investigation and adjudication in this matter, by reason of Factual Finding 7 and Legal Conclusions 1-3.

5. No evidence of mitigation or rehabilitation was presented at the hearing. The criteria set forth in CCR, title 10, section 2912 has been considered. Respondent failed to meet the rehabilitation criteria. Less than two years have passed since Respondent's conviction for driving under the influence and causing injury to two individuals. (CCR, tit. 10, § 2912, subd. (a).) Respondent is still on probation and no evidence of expungement was presented. (Cal. CCR, tit. 10, § 2912, subds. (c) and (e).) Respondent failed to disclose his recent convictions to the Bureau and did not appear at the hearing to acknowledge his culpability or to express remorse for his actions. This raises serious concerns about his ability to abide by the legal requirements that govern his profession. Accordingly, the order that follows is necessary for the protection of the public.

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ORDER

1. All licenses and licensing rights of Respondent Ryan Michael Doblado under the Real Estate Law are revoked.

2. Respondent shall pay the Bureau \$958.05 as reimbursement for the Bureau's reasonable costs of investigation and enforcement within 90 days of the effective date of this decision.

DATED: June 26, 2017

DocuSigned by:
Laurie Pearlman
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LAURIE R. PEARLMAN
Administrative Law Judge
Office of Administrative Hearings