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FILED

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BUREAU OF REAL ESTATE

By *John C. Garcia*

7 BEFORE THE BUREAU OF REAL ESTATE
8 DEPARTMENT OF CONSUMER AFFAIRS
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation against) CalBRE No. H-40574 LA
12)
PATRICK EUGENE AURIGNAC,)
13) ACCUSATION
Respondent.)
14)

15 The Complainant, Brenda Smith, acting in her official capacity as a Supervising Special
16 Investigator for the Bureau of Real Estate of the State of California ("Bureau") of the State of
17 California, for cause of Accusation against PATRICK EUGENE AURIGNAC ("Respondent"),
18 is informed and alleges as follows:

19 1.

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

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2.

From October 22, 1993, through the present, Respondent has been licensed by the Bureau as a real estate broker, License ID 01084005. Said license is set to expire on November 19, 2020, unless renewed. Respondent was previously licensed as a salesperson from August 11, 1990 to October 21, 1993.

CAUSES OF ACCUSATION

Failure to Disclose

3.

On November 19, 2016, Respondent submitted a Broker Renewal Application to the Bureau. Respondent replied "No" in response to Question No. 16 of the application, to wit, "WITHIN THE SIX-YEAR PERIOD PRIOR TO FILING THIS APPLICATION, HAVE YOU BEEN CONVICTED (SEE PARAGRAPH ABOVE) OF ANY VIOLATION OF LAW AT THE MISDEMEANOR OR FELONY LEVEL?" [emphasis in original]. Respondent failed to disclose the four (4) convictions described below in Paragraphs 4, 5, 6, and 7.

Convictions

4.

On or about March 8, 2016, before the Superior Court of California, Santa Barbara County, in Case No. 1478413, Respondent pled no contest to and was convicted of violating Penal Code section 485 (theft-misappropriation of lost property), a misdemeanor.

5.

On or about September 30, 2015, before the Superior Court of California, San Luis Obispo County, in Case No. 15M-14809, Respondent pled no contest to and was convicted of violating Vehicle Code section 23152(B) (driving with 0.08% or more of alcohol in blood), a

1 misdemeanor.

2 6.

3 In aggravation on or about September 18, 2013, before the Superior Court of California,
4 San Luis Obispo County, in Case No. F485777001, Respondent pled no contest to and was
5 convicted of violating Penal Code sections 243(d)(battery w/serious bodily injury) and 236 (false
6 imprisonment), both misdemeanors.

7 7.

8 In aggravation on or about January 23, 2013, before the Superior Court of California, San
9 Luis Obispo County, in Case No. M484072001, Respondent pled no contest to and was
10 convicted of violating Vehicle Code section 23152(B)(driving with 0.08% or more of alcohol in
11 blood), a misdemeanor.

12 8.

13 The convictions alleged above in Paragraph 4 through 7 and the circumstances
14 surrounding said convictions bear a substantial relationship to the qualifications, functions or
15 duties of a real estate licensee under Section 2910 of the Regulations of the Real Estate
16 Commissioner, Title 10, Chapter 6, California Code of Regulations.

17 9.

18 Respondent's convictions constitute cause under Sections 490 and 10177(b) of the Code
19 for suspension or revocation of all licenses and license rights of Respondent under the Real
20 Estate Law.

21 10.

22 Respondent's failure to disclose the convictions set forth above in Paragraphs 4 through
23 7, on his broker license renewal application constitutes the procurement of a real state license by
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1 misrepresentation, fraud or deceit, or by making a material misstatement of fact in said
2 application which is cause for the suspension or revocation of all licenses and license rights of
3 Respondent pursuant to Code sections 498 and 10177, subdivision (a).

4 Failure to Report Felony Charges and Conviction

5 11.

6 Code section 10186.2, subdivision (a)(1)(B), requires that licensees report to the Bureau
7 any misdemeanor or felony conviction. Code section 10186.2, subdivision (b), requires that
8 licensees make a report in writing to the Bureau within 30 days of any misdemeanor or felony
9 conviction.

10 12.

11 On November 30, 2016, a diligent search was made of the Bureau's records for
12 Respondent and no record or written notice was found to have been received from Respondent
13 notifying the Bureau of Respondent's convictions as described above in Paragraphs 4 through 7.
14 Respondent's failure to provide timely written notice to the Bureau pursuant to Code section
15 10186.2 constitutes cause for the suspension or revocation of Respondent's real estate broker
16 license and license rights under Code Sections 10186.2(b), 10177(d) and/or 10177(g).

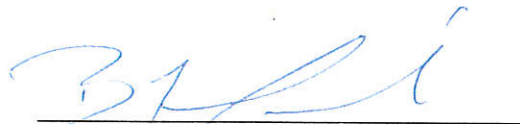
17 COST RECOVERY

18 13.

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

1 WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this
2 Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action
3 against all licenses and license rights of Respondent under the Real Estate Law (Part 1 of
4 Division 4 of the Business and Professions Code), for the cost of investigation and enforcement
5 as permitted by law, and for such other and further relief as may be proper under other provisions
6 of law.

7 Dated at Fresno, California this 22 day of February, 2017.

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10 BRENDA SMITH
11 Supervising Special Investigator

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21 cc: Patrick Eugene Aurignac
22 Brenda Smith
23 Sacto.