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**FILED**

APR 20 2017

BUREAU OF REAL ESTATE

By Adm. C. Smith

7  
8 BEFORE THE BUREAU OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of ) No. H-40610 LA  
12 )  
13 ANTHONY BRIAN GUTIERREZ, ) ACCUSATION  
14 )  
15 Respondent. )

16 The Complainant, Veronica Kilpatrick, a Supervising Special Investigator of the  
17 State of California, for cause of Accusation against ANTHONY BRIAN GUTIERREZ  
18 (“Respondent”), alleges as follows:

19 1.

20 The Complainant, Veronica Kilpatrick, a Supervising Special Investigator of the  
21 State of California, makes this Accusation in her official capacity.

22 2.

23 Respondent presently has license rights under the Real Estate Law, Part 1 of  
24 Division 4 of the California Business and Professions Code (“Code”), as a real estate  
25 salesperson.

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27  
ACCUSATION OF  
ANTHONY BRIAN GUTIERREZ

1 (CRIMINAL CONVICTIONS)

2 3.

3 On or about December 2, 2016, in the Superior Court of California, County of  
4 Riverside, Case No. INF1601411, Respondent was convicted of violating Penal Code Section  
5 245(a)(1) (assault with deadly weapon other than a firearm), a misdemeanor, Penal Code  
6 Section 273.5(a) (inflict corporal injury on spouse/cohabitant, etc.), a misdemeanor, and Penal  
7 Code Section 594(a)(2)(3) (maliciously damage property), a misdemeanor. Respondent was  
8 placed on probation for thirty six (36) months and was ordered to serve two (2) days in county  
9 jail. The terms of Respondent's probation require him to complete a fifty two (52) week  
10 domestic violence program, perform twenty (20) hours of community service. Respondent was  
11 also ordered to pay victim restitution, fees, and fines.

12 4.

13 The convictions described in Paragraph 3 bear a substantial relationship under  
14 Section 2910, Title 10, Chapter 6, California Code of Regulations to the qualifications,  
15 functions, or duties of a real estate licensee.

16 5.

17 The convictions described in Paragraph 3 constitutes cause under Sections 490  
18 and 10177(b)(1) of the Code for the suspension or revocation of the license and license rights of  
19 Respondent under the Real Estate Law.

20 (FAILURE TO REPORT CONVICTIONS)

21 6.

22 Pursuant to Section 10186.2 of the Code, a licensee shall report, in writing, "the  
23 conviction of the licensee, including any verdict of guilty, or plea of guilty or no contest, of any  
24 felony or misdemeanor" to the Bureau of Real Estate ("Bureau") within thirty (30) days of the  
25 conviction. Respondent failed to report in writing to the Bureau the convictions described in  
26 Paragraph 3 above, within thirty (30) days of the conviction date.

27  
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1 7.

2 Respondent's failure to timely report the convictions constitutes cause under  
3 Section 10186.2 of the Code for the suspension or revocation of the license and license rights of  
4 Respondent under the Real Estate Law.

5 (INVESTIGATION AND ENFORCEMENT COSTS)

6 8.

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

12 WHEREFORE, Complainant prays that a hearing be conducted on the  
13 allegations of this Accusation and that upon proof thereof, a decision be rendered imposing  
14 disciplinary action against all the licenses and license rights of Respondent ANTHONY BRIAN  
15 GUTIERREZ under the Real Estate Law for the cost of investigation and enforcement as  
16 permitted by law, and for such other and further relief as may be proper under other applicable  
17 provisions of law.

18  
19 Dated at San Diego, California

20 this 13<sup>th</sup> day of April, 2017

21  
22   
23 Veronica Kilpatrick  
24 Supervising Special Investigator

25 cc: ANTHONY BRIAN GUTIERREZ  
26 Wyndham Vacation Ownership, Inc.  
27 Veronica Kilpatrick  
Sacto.

ACCUSATION OF  
ANTHONY BRIAN GUTIERREZ