

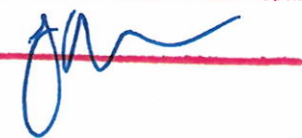
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FILED

JAN 11 2018

BUREAU OF REAL ESTATE

By 

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

10 * * *

11 In the Matter of the Accusation of

12 DAVID BRYON MIHALCZO,

13 Respondent.
14

) No. H- 40909 LA
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A C C U S A T I O N

15 The Complainant, Maria Suarez, a Supervising Special Investigator of the State
16 of California for cause of Accusation against DAVID BRYON MIHALCZO ("Respondent")
17 alleges as follows:

18 1.

19 The Complainant, Maria Suarez, a Supervising Special Investigator of the State
20 of California, makes this Accusation in his official capacity.

21 2.

22 Respondent is presently licensed and/or has license rights under the Real Estate
23 Law, Part 1 of Division 4 of the California Business and Professions Code as a real estate
24 broker (license no. 01161926).

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(CRIMINAL CONVICTIONS)

3.

On or about May 12, 2017, in the Superior Court of California County of San Diego, case no. CN370513, Respondent was convicted of violating California Vehicle Code section 23152(b) (driving with a blood alcohol level of 0.08 percent or more), a misdemeanor, with the enhancements pursuant to California Vehicle Code section 23546 (prior driving under the influence ("DUI") convictions within 10 years) and California Vehicle Code section 23578 (blood alcohol level of 0.15 percent or more). In part, Respondent was sentenced to four (4) months of standard probation and pay various fines and fees. This crime is substantially related to the qualifications, functions, or duties of a real estate licensee under Section 2910, Title 10, Chapter 6, California Code of Regulations.

4.

On or about January 15, 2015, in the Superior Court of California County of Riverside, case no. SWM1402128, Respondent was convicted of violating California Vehicle Code section 23152(b) (driving with a blood alcohol level of 0.08 percent or more), a misdemeanor, with a prior DUI conviction. In part, Respondent was sentenced to 36 months of summary probation, 75 days of jail, 18-month Offender Drinking Driver Program, and pay various fines and fees. This crime is substantially related to the qualifications, functions, or duties of a real estate licensee under Section 2910, Title 10, Chapter 6, California Code of Regulations.

5.

In aggravation, on or about August 11, 2010, in the Superior Court of California County of Orange, case no. 10SM02346, Respondent was convicted of violating California Vehicle Code section 23152(b) (driving with a blood alcohol level of 0.08 percent or more), a misdemeanor, with the enhancement pursuant to California Vehicle Code section 23538(b)(2) (blood alcohol level of 0.20 percent or more). In part, Respondent was sentenced to three (3)

1 years of informal probation, two (2) days in county jail with two (2) days credit, 9-month Level
2 2 First Offender Alcohol Program, and pay various fees and fines.

3 6.

4 In aggravation, on or about August 29, 1994, in the Superior Court of California
5 County of Orange, case no. 94SF0137, Respondent was convicted of violating California
6 Vehicle Code sections 23153(a) (driving under the influence with injury to another person) and
7 23152(b) (driving with a blood alcohol level of 0.08 percent or more with injury to another
8 person), both felonies. In part, Respondent was sentenced to three (3) years of probation, 180
9 days in county jail with two (2) days credit, and pay various fees and fines.

10 7.

11 The crimes of which Respondent was convicted as described in paragraphs 3
12 through 6, above, constitute cause under California Business and Professions Code sections 490
13 and 10177(b) for the suspension or revocation of the license and license rights of Respondent
14 under the Real Estate Law.

15
16 (COSTS)

17 8.

18 California Business and Professions Code section 10106 provides, in pertinent
19 part, that in any order issued in resolution of a disciplinary proceeding before the bureau, the
20 Commissioner may request the administrative law judge to direct a licensee found to have
21 committed a violation of this part to pay a sum not to exceed the reasonable costs of
22 investigation and enforcement of the case.

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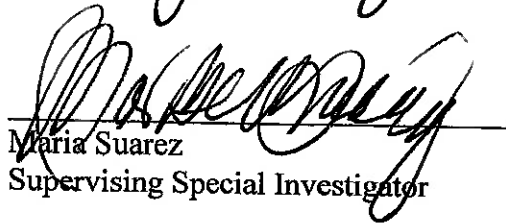
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1 WHEREFORE, Complainant prays that a hearing be conducted on the
2 allegations of this Accusation and that upon proof thereof, a decision be rendered imposing
3 disciplinary action against all licenses and/or license rights under the Real Estate Law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

7 Dated at Los Angeles, California: 10 January, 2018.

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11 Maria Suarez
12 Supervising Special Investigator
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25 cc: DAVID BRYON MIHALCZO
26 Maria Suarez
27 Sacto.