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**FILED**  
JUL 12 2018

DEPARTMENT OF REAL ESTATE  
By *[Signature]*

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BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

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In the Matter of the Accusation of	)	No. H-41099 LA
	)	
DAVID SCOTT NEWMAN,	)	<u>ACCUSATION</u>
	)	
Respondent.	)	
	)	

The Complainant, Maria Suarez, a Supervising Special Investigator of the State of California, for cause of Accusation against DAVID SCOTT NEWMAN, a.k.a. Pedro Baltazar ("Respondent") alleges as follows:

1.

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

2.

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

1 real estate broker ("REB") Department of Real Estate<sup>1</sup> ("Department" or "DRE") license ID  
2 01324815.

3 B. Respondent was first issued a real estate ("RES") license by the DRE on or  
4 about December 5, 2001. Respondent was first issued a REB license by the DRE on or about  
5 February 21, 2008.

6 C. Respondent has one DBA under his REB license, for Five Star Realty, active  
7 as of June 24, 2014.

8 D. Respondent's REB license will expire on February 20, 2020.

9 (CRIMINAL CONVICTION)

10 3.

11 July 1, 2013: Penal Code Section 459 - M

12 A. On or about January 23, 2013, a Felony Complaint was filed in the Superior  
13 Court of California, County of Los Angeles, in Case No. PA075672, The People of the State of  
14 California v. DAVID SCOTT NEWMAN a.k.a. Pedro Baltazar, in which Respondent was  
15 charged for violation of:

16 (1) Count 1: Penal Code ("PC") Section 118(a) (perjury – application  
17 for driver's license), a felony;

18 (2) Count 2: PC Section 459 (burglary – California Department of Motor  
19 Vehicles office), a felony;

20 (3) Count 3: PC 118(a) (perjury – identification card application), a  
21 felony, with special enhancement for violation of PC 803(c) (false  
22 information submitted by suspect); and  
23

24  
25  
26 <sup>1</sup> Between July 1, 2013 and June 30, 2018, the California Department of Real Estate was the California Bureau of  
27 Real Estate.

1 (4) Count 4: PC 459 (burglary), a felony, with special enhancement for  
2 violation of PC 803(c) (false information submitted by suspect).

3 B. On or about July 1, 2013, Respondent pled *nolo contendere* to Count 2 (PC  
4 459).

5 C. Also on or about July 1, 2013, Respondent was sentenced to thirty-six (36)  
6 months formal probation and two (2) days in Los Angeles County Jail. In addition, the court  
7 ordered Respondent to pay court fines and fees, and ordered Respondent to use only his true  
8 name, DAVID SCOTT NEWMAN.

9 4.

10 The crime of which Respondent was convicted, by its facts and circumstances,  
11 bears a substantial relationship under Section 2910, Title 10, Chapter 6, California Code of  
12 Regulations to the qualifications, functions or duties of a real estate licensee.

13 FIRST CAUSE FOR DISCIPLINE

14 (FAILURE TO REPORT)

15 5.

16 Respondent did not report in writing to the Department, the aforementioned  
17 felony complaint in Los Angeles County Case No. PA075672, as described above in  
18 Paragraphs 3A., within thirty (30) days of the complaint filing date (January 23, 2013).

19 6.

20 Respondent did not report in writing to the Department, the aforementioned  
21 misdemeanor conviction in Los Angeles County Case No. PA075672, as described above in  
22 Paragraphs 3B. and 3C., within thirty (30) days of the conviction date (July 1, 2013).

23 ///

24 ///

25 ///

7.

Respondent's failure to report the felony complaint and the resulting conviction in Los Angeles County Case No. PA075672, constitutes cause for discipline under **Code Section 10186.2<sup>2</sup>** of the license and license rights of Respondent under the Real Estate Law.

**SECOND CAUSE FOR DISCIPLINE**

**(FAILURE TO DISCLOSE)**

8.

On or about January 18, 2016, Respondent certified and submitted an online broker renewal application (Form RE e208 (Rev. 1/16)) to the BRE ("January 2016 application"). In response to Question 16 of his January 2016 application, to wit: "WITHIN THE SIX-YEAR PERIOD PRIOR TO FILING THIS APPLICATION, HAVE YOU EVER BEEN CONVICTED (SEE PARAGRAPH ABOVE<sup>3</sup>) OF ANY VIOLATION OF THE LAW AT THE MISDEMEANOR OR FELONY LEVEL? IF YES, COMPLETE ITEM 22 WITH INFORMATION ON EACH CONVICTION," Respondent answered "No," and did not reveal the conviction described in Paragraphs 3B. and 3C., above.

9.

Respondent's failure to disclose the criminal conviction set forth herein in Paragraphs 3B. and 3C. on his January 2016 real estate broker license renewal application constitutes the attempt to procure a real estate license by fraud, misrepresentation, or deceit, or by knowingly making a false statement of material fact required to be revealed in said

<sup>2</sup> Pursuant to Business and Professions Code 10186.2: (a)(1) A licensee shall report any of the following to the department: (A) The bringing of an indictment or information charging a felony against the licensee. (B) The conviction of the licensee, including any verdict of guilty, or plea of guilty or no contest, of any felony or misdemeanor. (c) Any disciplinary action taken by another licensing entity or authority of this state or of another state or an agency of the federal government. (2) The report required by this subdivision shall be made in writing within 30 days of the date of the bringing of the indictment or the charging of a felony, the conviction, or the disciplinary action. (b) Failure to make a report required by this section shall constitute a cause for discipline.

<sup>3</sup> On Form RE e208, in the "Background Information" Section is a box that includes categories of "Convicted" as used in Question 16.

1 application, and constitutes cause under **Code Sections 475(a)(1) and 10177(a)** for the  
2 suspension or revocation of Respondent's real estate license under the Real Estate Law.

3 **COSTS**

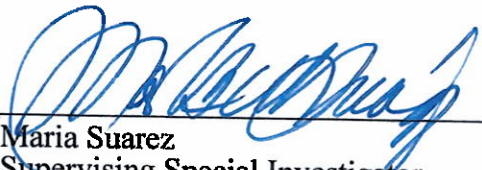
4 10.

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

9 WHEREFORE, Complainant prays that a hearing be conducted on the  
10 allegations of this Accusation and that upon proof thereof, a decision be rendered imposing  
11 disciplinary action against all licenses and/or license rights under the Real Estate Law (Part 1 of  
12 Division 4 of the California Business and Professions Code) of Respondent DAVID SCOTT  
13 NEWMAN, for the cost of investigation and enforcement as permitted by law, and for such  
14 other and further relief as may be proper under applicable provisions of law.

15 Dated at Los Angeles, California

16 this 10th day of July, 2018.

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18   
19 Maria Suarez  
20 Supervising Special Investigator  
21

22  
23 cc: DAVID SCOTT NEWMAN  
24 Maria Suarez  
25 Sacto.  
26  
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