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~		Julie L. To, Counsel (SBN 219482) Department of Real Estate Department of Real Estate
	2	320 West 4th Street, Suite 350 Los Angeles, California 90013
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	4	Telephone: (213) 576-6982 (Direct) (213) 576-6916
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	8	BEFORE THE DEPARTMENT OF REAL ESTATE
	9	STATE OF CALIFORNIA
		* * *
	10	In the Matter of the Accusation of) No. H-41099 LA
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	12	DAVID SCOTT NEWMAN,
	13	Respondent.
	14)
	15	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
	16	Baltazar ("Respondent") alleges as follows:
	17	
	18	1.
	19	The Complainant, Maria Suarez, a Supervising Special Investigator of the State
	20	of California, makes this Accusation in her official capacity.
	21	2.
		A. Respondent is presently licensed and/or has license rights under the Real
	22	Estate Law, Part 1 of Division 4 of the California Business and Professions Code ("Code") as a
	23	a de la companie de la refessions code (code) as a
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		DDE Assuration - DAVID CONTRACTOR
	1	DRE Accusation – DAVID SCOTT NEWMAN
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1	real estate broker ("REB") Department of Real Estate ¹ ("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) <u>Count 1</u> : Penal Code ("PC") Section 118(a) (perjury – application
17	for driver's license), a felony;
18	(2) <u>Count 2</u> : PC Section 459 (burglary – California Department of Motor
19	Vehicles office), a felony;
20	(3) <u>Count 3</u> : 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	¹ Between July 1, 2013 and June 30, 2018, the California Department of Real Estate was the California Bureau of Real Estate
26	Real Estate.
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	DRE Accusation – DAVID SCOTT NEWMAN
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1 (4) Count 4: PC 459 (burglary), a felony, with special enhancement for violation of PC 803(c) (false information submitted by suspect). 3 B. On or about July 1, 2013, Respondent pled <i>nolo contendere</i> to Count 2 (PC 459). 4 (4) Count 4: PC 403(c) (false information submitted by suspect). 5 B. On or about July 1, 2013, Respondent pled <i>nolo contendere</i> to Count 2 (PC 459). 6 The or about July 1, 2013, Respondent was sentenced to thirty-six (36) 7 nonths 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 7 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 paragraphs 3A., within thirty (30) days of the complaint filing date (January 23, 2013). 12 Par	~_*	
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DRE Accusation – DAVID SCOTT NEWMAN		
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1	7.
2	Respondent's failure to report the felony complaint and the resulting conviction
3	in Los Angeles County Case No. PA075672, constitutes cause for discipline under Code
4	Section 10186.2 ² of the license and license rights of Respondent under the Real Estate Law.
5	SECOND CAUSE FOR DISCIPLINE
6	(FAILURE TO DISCLOSE)
7	8.
8	On or about January 18, 2016, Respondent certified and submitted an online
9	broker renewal application (Form RE e208 (Rev. 1/16)) to the BRE ("January 2016
10	application"). In response to Question 16 of his January 2016 application, to wit: "WITHIN
11	THE SIX-YEAR PERIOD PRIOR TO FILING THIS APPLICATION, HAVE YOU EVER
12	BEEN CONVICTED (SEE PARAGRAPH ABOVE ³) OF ANY VIOLATION OF THE LAW
13	AT THE MISDEMEANOR OR FELONY LEVEL? IF YES, COMPLETE ITEM 22 WITH
14	INFORMATION ON EACH CONVICTION," Respondent answered "No," and did not reveal
15	the conviction described in Paragraphs 3B. and 3C., above.
16	9.
17	Respondent's failure to disclose the criminal conviction set forth herein in
18	Paragraphs 3B. and 3C. on his January 2016 real estate broker license renewal application
19	constitutes the attempt to procure a real estate license by fraud, misrepresentation, or deceit, or
20	by knowingly making a false statement of material fact required to be revealed in said
21	
22	² 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 linear induction of the linear sector (B) and (B)
23	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
24	within 30 days of the date of the bringing of the indictment or the charging of a felony, the conviction or the
25 26	disciplinary action. (b) Failure to make a report required by this section shall constitute a cause for discipline. ³ On Form RE e208, in the "Background Information" Section is a box that includes categories of "Convicted" as used in Question 16.
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	DRE Accusation – DAVID SCOTT NEWMAN

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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	<u>COSTS</u>
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 day of, 2018.
17	
18	Marthan
19	Maria Suarez
20 21	Supervising Special Investigator
21	
22	cc: DAVID SCOTT NEWMAN
24	Maria Suarez Sacto.
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