

JUL 14 2021

DEPT. OF REAL ESTATE

By _____

1 LAURENCE D. HAVESON, Counsel (SBN 152631)
 2 Department of Real Estate
 3 320 West 4th Street, Suite 350
 4 Los Angeles, California 90013-1105
 5 Telephone: (213) 576-6982
 6 Direct: (213) 576-6854
 7 Fax: (213) 576-6917
 8 *Attorney for Complainant*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

11 In the Matter of the Accusation of
 12 JOHN DAMON MILES,
 13 Respondent.

No. H-42058-LA
ACCUSATION

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 15 The Complainant, Veronica Kilpatrick, a Supervising Special Investigator for the
 16 Department of Real Estate ("Department") of the State of California, for cause of Accusation
 17 against JOHN DAMON MILES ("Respondent"), is informed and alleges in her official capacity
 18 as follows:

19 1. The Complainant, Veronica Kilpatrick, acting in her official capacity as a
 20 Supervising Special Investigator, makes this Accusation against Respondent.

21 2. Respondent presently has license rights under the Real Estate Law, Part 1 of
 22 Division 4 of the California Business and Professions Code ("Code"), as a real estate broker
 23 (License ID 01925470).

FIRST CAUSE OF ACCUSATION

(CRIMINAL CONVICTION)

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 26 3. On or about February 25, 2020, in the San Diego County Superior Court, Case No.
 27 CN395974, Respondent was convicted on a guilty plea for two counts of violation of Penal Code
 28 Section 459 (burglary of the first degree) with enhancements under Penal Code Section 460

1 (burglary of an inhabited dwelling house) for each count, both felonies. On or about October 28,
2 2020, the court suspended imposition of sentence and placed Respondent on formal probation for
3 a period of three (3) years, subject to terms and conditions including but not limited to: serving
4 136 days jail time, with credit for 136 days; paying fees, assessments, a fine, a restitution fine; and
5 paying the victims restitution.

6 4. The conviction, as described in Paragraph 3 above, bears a substantial relationship
7 under Section 2910, Title 10, Chapter 6, California Code of Regulations to the qualifications,
8 functions or duties of a real estate licensee.

9 5. The crime, for which Respondent was convicted, as described in Paragraph 3
10 above, constitutes cause under Code sections 490 and 10177(b) for the suspension or revocation of
11 the license and license rights of Respondent under the Real Estate Law.

12 SECOND CAUSE OF ACCUSATION

13 (FAILURE TO REPORT FELONY COMPLAINT AND CONVICTION)

14 6. Pursuant to Section 10186.2 of the Code, a licensee shall report, in writing, "The
15 bringing of a criminal complaint, information, or indictment charging a felony against the
16 licensee," and "The conviction of the licensee, including any verdict of guilty, or plea of guilty or
17 no contest, of any felony or misdemeanor" to the Department within thirty (30) days of the
18 bringing of the charging of a felony, and of the conviction.

19 7. On or about January 31, 2019, in the San Diego County Superior Court, Case No.
20 CN395974, a Felony Complaint was filed against Respondent.

21 8. Respondent failed to report in writing to the Department:

22 a. The bringing of a criminal complaint charging a felony against Respondent
23 on January 31, 2019, within thirty (30) days of the bringing of the felony complaint; and,

24 b. The conviction described in Paragraph 3 above, within thirty (30) days of
25 the conviction date.

26 9. Respondent's failure to timely report the bringing of the charging of a felony and of
27 his conviction constitutes cause under Section 10186.2 of the Code for the suspension or
28 revocation of the license and license rights of Respondent under the Real Estate Law.

1 COSTS

2 (COSTS OF INVESTIGATION AND ENFORCEMENT)

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

8 WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this
9 Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action
10 against all the licenses and license rights of Respondent JOHN DAMON MILES under the Real
11 Estate Law, for the costs of investigation and enforcement as permitted by law, and for such other
12 and further relief as may be proper under other applicable provisions of law.

13
14 Dated at San Diego, California this 12 day of July, 2021.

15
16 *Veronica Kilpatrick*

17
18 Veronica Kilpatrick
19 Supervising Special Investigator

20 cc: JOHN DAMON MILES
21 Veronica Kilpatrick
22 Sacto.
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