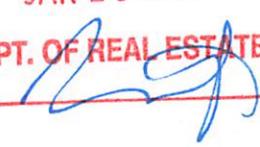


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8 *Attorney for Complainant*

FILED
JAN 25 2023
DEPT. OF REAL ESTATE
By 

9 BEFORE THE DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

11 In the Matter of the Accusation Against) No. H-42509 LA
12)
13 WINSTON B. OFFER,)
14 Respondent.) ACCUSATION

15 The Complainant, Jason Parson, a Supervising Special Investigator of the State
16 of California, for cause of Accusation against WINSTON B. OFFER (“Respondent”) alleges as
17 follows:

18 1.

19 The Complainant, Jason Parson, 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 (“Code”), as a real
24 estate salesperson with Department of Real Estate (“Department”) license ID 01961646.
25 Respondent’s license is set to expire on October 15, 2026, unless renewed. Respondent’s
26 current responsible broker is Mulhearn Realtors Inc (ID 00338699).

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28 ///

1 (CRIMINAL CONVICTION)

2 3.

3 On or about November 16, 2021, in the Superior Court of California, County of
4 Los Angeles, Case No. VA152490, Respondent was convicted on a plea of nolo contendere for
5 violating Penal Code section 245(a)(4) (assault by means of force likely to produce great bodily
6 injury), a felony. Respondent admitted to the special allegation that in the commission and
7 attempted commission of the offense, Respondent personal inflicted great bodily injury upon,
8 not an accomplice to the offense, within the meaning of Penal Code section 12022.7(a). The
9 court suspended the imposition of the sentence of serving seven (7) years in state prison, and
10 placed Respondent on formal probation for three (3) years and ordered Respondent to perform
11 thirty (30) days of community labor and pays fines and fees. Respondent was also ordered to
12 pay restitution in the amount of \$11,595.00 to the victim.

13 4.

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

17 5.

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

21 (FAILURE TO REPORT CONVICTION)

22 6.

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

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7.

Respondent's failure to timely report the conviction described in Paragraph 3 above constitutes cause under Section 10186.2 of the Code for the suspension or revocation of the license and license rights of Respondent under the Real Estate Law.

(FAILURE TO DISCLOSE CONVICTION IN RENEWAL APPLICATION)

8.

On or about August 2, 2022, Respondent submitted a Salesperson Renewal Application (RE 209) to the Department. In response to Question 12 under Background Information, to wit "WITHIN THE SIX-YEAR PERIOD PRIOR TO FILING THIS APPLICATION, HAVE YOU EVER BEEN CONVICTED...OF ANY VIOLATION OF THE LAW AT THE MISDEMEANOR OR FELONY LEVEL? IF YES, COMPLETE ITEM 18 WITH INFORMATION ON EACH CONVICTION," Respondent marked "No" and left Item 18 blank.

9.

Respondent's failure to disclose the conviction described in Paragraph 3 above in his license renewal application constitutes cause under Section 10177(a) of the Code for the suspension or revocation of the license and license rights of Respondent under the Real Estate Law.

(IN AGGRAVATION)

10.

On or about April 26, 2019, in the Superior Court of California, County of Los Angeles, Case No. 8DN11040, Respondent was convicted on a plea of nolo contendere for violating Vehicle Code section 23152(a) (driving under the influence of alcohol), a misdemeanor. The court suspended the imposition of sentence and placed Respondent on summary probation for 36 months, under certain terms and conditions, including in part, successful completion of a 6-month first-offender drug and alcohol education and counseling program.

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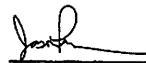
(COSTS OF INVESTIGATION AND ENFORCEMENT)

11.

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

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

Dated at Los Angeles, California this 24th day of January, 2023.



Jason Parson
Supervising Special Investigator

cc: WINSTON B. OFFER
Mulhearn Realtors Inc
Jason Parson
Sacto.