

FILED

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DEPT. OF REAL ESTATE

By

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation Against,) DRE No. H-43301 LA
)
HAROLD JOSEPH OSBORNE,)
) ACCUSATION
Respondent.)
)

The Complainant, Jose Soriano, a Supervising Special Investigator of the State of California, for cause of Accusation against HAROLD JOSEPH OSBORNE ("Respondent") alleges as follows:

1.

The Complainant, Jose Soriano, a Supervising Special Investigator of the State of California, makes this Accusation in his official capacity.

2.

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 real estate broker with Department of Real Estate ("Department") License ID 02058142.

Respondent is the designated officer for Smart Choice Realty & Mortgage Finance, Inc.

Respondent holds a mortgage loan originator license endorsement with Nationwide Multistate Licensing System ID 1314197 and is authorized to represent Smart Choice Realty & Mortgage Finance, Inc.

ACCUSATION

- 1 -

1 CRIMINAL CONVICTION

2 3.

3 a. On or about May 1, 2023, in the Superior Court of California, County of
4 Orange, Case No. 23WF1390, a felony complaint was filed against Respondent.

5 b. On or about June 18, 2025, in Case No. 23WF1390, Respondent was
6 convicted on a plea of guilty for two counts of violating Penal Code section 314(1) (indecent
7 exposure with prior conviction), felonies. The court suspended the imposition of sentence and
8 placed Respondent on formal probation for two (2) years under certain terms and conditions,
9 including in part, serving one hundred and eighty (180) days in county jail with credit for time
10 served and registering as a sex offender pursuant to Penal Code section 290. The court ordered
11 Respondent to stay one hundred (100) yards away from 24 Hour Fitness in Costa Mesa.

12 4.

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

16 5.

17 The crime for which Respondent was convicted, as described in Paragraph 3
18 above, constitutes cause under Code sections 490, 10166.051(b), and 10177(b) for the
19 suspension or revocation of the license, endorsement, and license rights of Respondent under
20 the Real Estate Law.

21 FAILURE TO REPORT FELONY COMPLAINT AND CONVICTION

22 6.

23 Pursuant to Section 10186.2 of the Code, a licensee shall report, in writing,
24 "[t]he bringing of a criminal complaint, information, or indictment charging a felony against
25 the licensee" and "[t]he conviction of the licensee, including any verdict of guilty, or plea of
26 guilty or no contest, of any felony or misdemeanor" to the Department within thirty (30) days
27 of the charging of the felony and the date of conviction. Respondent failed to timely report in
28 writing to the Department the felony complaint and conviction described in Paragraph 3 above.

1 7.

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

6 IN AGGRAVATION

7 8.

8 a. On or about April 9, 1998, in the Superior Court of California, County of San
9 Bernardino, Case No. FSB16399, Respondent was convicted on a plea of guilty to Count 2 for
10 violating Penal Code section 475A (possession of a completed check with intent to defraud), a
11 felony, and to Count 3, Penal Code section 314(1) (indecent exposure), a misdemeanor. As to
12 Count 2, the court placed Respondent on supervised probation for thirty-six (36) months on
13 terms and conditions, including in part, serving six (6) days in county jail with credit for time
14 served, and payment of fines and fees. As to Count 3, the court ordered Respondent to serve
15 ninety (90) days in county jail with credit of eight (8) days as time served and to serve forty-
16 eight (48) periods in county jail from Friday at 7:00 to Sunday at 7:00 commencing on May 1,
17 1998.

18 b. On or about November 2, 2001, in Case No. FSB16399, the court dismissed
19 Respondent's convictions for violating Penal Code sections 475A and 314(1) pursuant to Penal
20 Code section 1203.4A.

21 COSTS OF INVESTIGATION AND ENFORCEMENT

22 9.

23 California Business and Professions Code section 10106, provides, in pertinent
24 part, that in any order issued in resolution of a disciplinary proceeding before the Department
25 of Real Estate, the Commissioner may request the administrative law judge to direct a licensee
26 found to have committed a violation of this part to pay a sum not to exceed the reasonable costs
27 of the investigation and enforcement of the case.
28

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 the licenses, endorsements, and license rights of HAROLD
4 JOSEPH OSBORNE under the Real Estate Law, for the costs of investigation and enforcement
5 as permitted by law, and for such other and further relief as may be proper under other
6 applicable provisions of law.

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8 Dated at Los Angeles, California this 29th day of July, 2026.

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12 Jose Soriano
13 Supervising Special Investigator
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25 cc: HAROLD JOSEPH OSBORNE
26 Jose Soriano
27 Sacto.
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