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**FILED**

JUN 09 2016

BUREAU OF REAL ESTATE

By B. Nicholas

9 BEFORE THE BUREAU OF REAL ESTATE  
10 STATE OF CALIFORNIA

11 \* \* \*

12 In the Matter of the Accusation of )

13 JONATHAN WILLIAM SAPP, )

14 Respondent. )

No. H- 3021 FR

ACCUSATION

15 The Complainant, BRENDA SMITH, a Supervising Special Investigator of the  
16 State of California, for cause of Accusation against JONATHAN WILLIAM SAPP  
17 (Respondent), is informed and alleges as follows:

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19 The Complainant, BRENDA SMITH, a Supervising Special Investigator of the  
20 State of California, makes this Accusation in her 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 Business and Professions Code (Code) as a restricted real estate  
24 salesperson.

25 3

26 On or about April 3, 2015, in the Superior Court of the State of California, County  
27 of Monterey, Case No. SS142463A, Respondent was convicted of violating Section 502c(4)

1 (access/alter/delete computer related data) of the California Penal Code, a crime which bears a  
2 substantial relationship under Section 2910, Title 10, of the California Code of Regulations  
3 (Regulations) to the qualifications, functions or duties of a real estate licensee.

4 4

5 The facts alleged in Paragraph 3 constitute grounds under Sections 490, 10177(b),  
6 and/or 10177(j) of the Code for suspension or revocation of all licenses and license rights of  
7 Respondent under Part 1 of Division 4 of the Code.

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9 At no time did Respondent provide notice of the bringing of an indictment, the  
10 charging of a felony, the conviction of Respondent of one or more misdemeanor and/or felony  
11 convictions, and/or any disciplinary action taken by another licensing agency, as required by  
12 Section 10186.2 of the Code.

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14 The facts alleged in Paragraph 5 constitute cause under Sections 10177(d) and  
15 10186.2 of the Code for suspension or revocation of Respondent's license under the Real Estate  
16 Law.

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18 PRIOR DISCIPLINARY ACTION

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20 Effective April 6, 2015, in Case No. H-2823 FR before the Bureau, the Real  
21 Estate Commissioner revoked the real estate broker license of Respondent, for violation of  
22 Sections 10177(d), 10177(h), and 10177(g) of the Code, but granted the right to a restricted real  
23 estate salesperson license, on terms, conditions, and restrictions set forth in the Order.

24 COST RECOVERY

25 8

26 Section 10106 of the Code provides, in pertinent part, that in any order issued in  
27 resolution of a disciplinary proceeding before the Bureau, the Commissioner may request the

1 Administrative Law Judge to direct a licensee found to have committed a violation of this part to  
2 pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

3 WHEREFORE, Complainant prays that a hearing be conducted on the allegations  
4 of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary  
5 action against all licenses and license rights of Respondent under the Code, for the cost of  
6 investigation and enforcement as permitted by law, and for such other and further relief as may  
7 be proper under the provisions of law.

8   
9 BREND A SMITH  
Supervising Special Investigator

10 Dated at Fresno, California,  
11 this 24 day of May, 2016

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13 DISCOVERY DEMAND

14 Pursuant to Sections 11507.6, *et seq.* of the *Administrative Procedure Act*, the Bureau of Real  
15 Estate hereby makes demand for discovery pursuant to the guidelines set forth in the  
16 *Administrative Procedure Act*. Failure to provide Discovery to the Bureau of Real Estate may  
17 result in the exclusion of witnesses and documents at the hearing or other sanctions that the  
18 Office of Administrative Hearings deems appropriate.  
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