| | FILED |
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| 1 | LISSETE GARCIA, Counsel (SBN 211552) |
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| 5 | Attorney for Complainant |
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| 8 | BEFORE THE DEPARTMENT OF REAL ESTATE |
| 9 | STATE OF CALIFORNIA |
| 10 | * * * |
| 11 | In the Matter of the Accusation against) DRE No. H-41466 LA |
| 12 | JONATHAN EDWARD BABIRACKI,) |
| 13 | Respondent.) ACCUSATION) |
| 14 | |
| 15 | The Complainant, Maria Suarez, a Supervising Special Investigator for the Department |
| 16 | of Real Estate ¹ ("Department") of the State of California, for cause of Accusation against |
| 17 | JONATHAN EDWARD BABIRACKI ("Respondent"), is informed and alleges as follows: |
| 18 | 1. The Complainant, Maria Suarez, a Supervising Special Investigator for the |
| 19 | Department, makes this Accusation in her official capacity. |
| 20 | 2. All references to the "Code" are to the California Business and Professions Code, all |
| 21 | references to the "Real Estate Law" are to Part 1 of Division 4 of the Code, and all references to |
| 22 | "Regulations" are to California Code of Regulations, Title 10, Chapter 6. |
| 23 | |
| 24 | Between July 1, 2013 and July 1, 2018, the Department of Real Estate operated as the Bureau of Real Estate under the Department of Consumer Affairs. |
| | PAGE 1 DRE ACCUSATION AGAINST JONATHAN EDWARD BABIRACKI |

- 3. Respondent is presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the Code).
- 4. From April 6, 2012, through the present, Respondent has been licensed by the Department as a real estate salesperson, License ID 01912297.

CAUSES OF ACCUSATION

2017 Conviction

- 5. On or about July 24, 2017, before the Superior Court of California, County of Los Angeles, in Case No. 7SC02011, Respondent pled no contest to and was convicted of violating Penal Code section 422(A) (criminal threats), a misdemeanor.
- 6. The conviction alleged above in Paragraph 5, and the circumstances surrounding said conviction, bear a substantial relationship to the qualifications, functions or duties of a real estate licensee under Section 2910 of the Regulations of the Real Estate Commissioner, Title 10, Chapter 6, California Code of Regulations.
- 7. Respondent's 2017 misdemeanor conviction constitutes cause for the suspension or revocation of all licenses and license rights of Respondent pursuant to Code sections 490 and 10177, subdivision (b).

Failure to Report Conviction - Code Section 10186,2

8. Code section 10186.2, subdivision (a)(1)(B), requires that licensees report the bringing of a felony criminal complaint and felony or misdemeanor convictions. Code section 10186.2, subdivision (a)(2), requires that licensees make a report in writing to the Department within 30 days of the bringing of the indictment, the charging of a felony, or a conviction.

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- 9. A diligent search was made of the Department's records for Respondent and no record or timely, written notice was found to have been received from Respondent notifying the Department of Respondent's 2017 misdemeanor conviction, as described above in Paragraph 5.
- 10. Respondent's failure to provide timely written notice to the Department, pursuant to Code section 10186.2, constitutes cause for the suspension or revocation of Respondent's real estate salesperson license and license rights under Code section 10186.2, subdivision (b), and Code section 10177, subdivisions (d) and/or (g).

COST RECOVERY

11. Code Section 10106 provides, in pertinent part, that in any order issued in resolution of a disciplinary proceeding before the Department, 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 licenses and license rights of Respondent under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code), for the cost of investigation and enforcement ons of law.

Dated at Los Angeles, California this 1st day of Leggest

Angeles, California this 1st day of Leggest as permitted by law, and for such other and further relief as may be proper under other provisions of law.

Supervising Special Investigator

III

Jonathan E. Babiracki cc: DCJ Real Estate, Inc. Maria Suarez Sacto. PAGE 4
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