

FILED

MAR 01 2013

DEPARTMENT OF REAL ESTATE

By L. Jones

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8
 9 BEFORE THE DEPARTMENT OF REAL ESTATE
 10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of)	No. H-2802 FR
13 JOHN WESLEY VILLINES,)	
14 Respondent.)	<u>FIRST AMENDED</u>
)	<u>ACCUSATION</u>

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 16 The Complainant, BRENDA SMITH, a Deputy Real Estate Commissioner of the
 17 State of California, for cause of Accusation against JOHN WESLEY VILLINES (Respondent), is
 18 informed and alleges as follows:

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20 The Complainant, BRENDA SMITH, a Deputy Real Estate Commissioner of the
 21 State of California, makes this Accusation in her official capacity.

22 2

23 Respondent is presently licensed and/or has license rights under the Real Estate
 24 Law (Part 1 of Division 4 of the Business and Professions Code) (Code) as a real estate broker.

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26 On or about May 21, 2012, after proceedings comparable to the Administrative
 27 Procedure Act in which Respondent was given fair notice of the charges, an opportunity for a

1 hearing, and other due process protections, the Supreme Court of the State of California, in Case
2 No. S199350, State Bar Court Case Nos. 09-O-16075 and 11-O-10756, ordered that the
3 Respondent be suspended from the practice of law for two (2) years, that execution of the
4 suspension be stayed, and that Respondent be placed on probation for four (4) years, including an
5 actual suspension of nine (9) months for acts which, if done by a real estate licensee, would be
6 grounds for the suspension or revocation of a California real estate license pursuant to the
7 provisions of Sections 10145, 10085.6, 10177(d), 10176(i), 10177(j), 10177(g), and Section
8 10177(q) of the Code.

9 4

10 The suspension of Respondent's license to practice law in the State of California
11 as described in Paragraph 3 constitutes cause for the suspension or revocation of all licenses and
12 license rights of Respondent under the Real Estate Law under Section 10177(f) and 10177(g) of
13 the Code.

14 COST RECOVERY

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

20 PRIOR DISCIPLINE

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22 On November 15, 2012, in Case No. H-5913 SAC, the Real Estate
23 Commissioner issued an Order to Desist and Refrain to Respondent for violation of Section
24 10130 of the Code.

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

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7 
8 BREND A SMITH
9 Deputy Real Estate Commissioner

9 Dated at Fresno, California,
10 this 27 day of February, 2013

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12 DISCOVERY DEMAND

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

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