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**FILED**

SEP - 1 2016

BUREAU OF REAL ESTATE

By Carl Solorio

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of	)	No. H-04819-SD
	)	
JOHN BENJAMIN MURPHY,	)	
and THREE FROGS, INC.	)	<u>FIRST AMENDED</u>
	)	<u>ACCUSATION</u>
Respondent.	)	
	)	

This Accusation amends the Accusation filed on July 28, 2016. The Complainant, Veronica Kilpatrick, a Supervising Special Investigator of the State of California, for cause of Accusation against JOHN BENJAMIN MURPHY and THREE FROGS, INC. ("Respondents"), is informed and alleges as follows:

1.

The Complainant, Veronica Kilpatrick, acting in her official capacity as a Supervising Special Investigator of the State of California, makes this Accusation against JOHN BENJAMIN MURPHY and THREE FROGS, INC.

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1 2.

2 Respondent JOHN BENJAMIN MURPHY ("MURPHY") presently has license  
3 rights under the Real Estate Law, Part 1 of Division 4 of the California Business and  
4 Professions Code ("Code"), as a real estate broker.

5 3.

6 Respondent THREE FROGS, INC. ("THREE FROGS"), presently has license  
7 rights under the Real Estate Law as a corporate real estate broker.

8 FIRST CAUSE OF ACTION

9 (CRIMINAL CONVICTIONS)

10 4.

11 On or about March 26, 2015, Respondents MURPHY and THREE FROGS pled  
12 guilty and were convicted in the Superior Court of California, County of San Diego, Case  
13 No. SCD255289, for violation of California Unemployment Insurance Code Section 2117.5  
14 (Acting With Intent To Evade Tax), a misdemeanor, and Labor Code Section 3700.5(a) (Failure  
15 To Secure The Payment Of Compensation), a misdemeanor.

16 Respondent MURPHY was placed on three years of summary probation, and  
17 ordered to serve one day in jail and pay restitution, fines and fees. Additionally, Respondent  
18 MURPHY was ordered to complete 14 days of the Public Service Program.

19 Respondent THREE FROGS was placed on three years of summary probation,  
20 and ordered to pay restitution, fines and fees.

21 5.

22 The convictions described in Paragraph 4 bear a substantial relationship under  
23 Section 2910, Title 10, Chapter 6, California Code of Regulations to the qualifications,  
24 functions or duties of a real estate licensee.

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1 6.

2 The crimes of which Respondents MURPHY and THREE FROGS were  
3 convicted, as described in Paragraph 4 above, constitute cause under Sections 490 and 10177(b)  
4 of the Code for the suspension or revocation of all the licenses and license rights of  
5 Respondents MURPHY and THREE FROGS under the Real Estate Law.

6 SECOND CAUSE OF ACTION

7 (FAILURE TO SUPERVISE)

8 7.

9 The conduct, acts, or omissions of Respondent MURPHY, as alleged above, is  
10 in violation of Code Section 10159.2, and subjects all his real estate licenses and license rights  
11 to suspension or revocation pursuant to Code Sections 10177(d), 10177(g) and/or 10177(h).

12 8.

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

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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 and license rights of Respondents JOHN BENJAMIN  
4 MURPHY and THREE FROGS, INC. under the Real Estate Law, for the cost of investigation  
5 and enforcement as permitted by law, and for such other and further relief as may be proper  
6 under other applicable provisions of law.

7  
8 Dated at San Diego, California

9 this 31<sup>st</sup> day of August, 2016

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11   
12 Veronica Kilpatrick  
13 Supervising Special Investigator

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15 cc: JOHN BENJAMIN MURPHY  
16 THREE FROGS, INC.  
17 Veronica Kilpatrick  
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