


**FILED**

**August 2, 2012**

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DEPARTMENT OF REAL ESTATE  
By 

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BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of	}	No. H-5856 SAC	
RUTHERFORD BERNARD BROWNING III,		}	<u>ACCUSATION</u>
Respondent.			

The Complainant, TRICIA D. SOMMERS, in her official capacity as a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against RUTHERFORD BERNARD BROWNING III (hereinafter "Respondent"), is informed and alleges as follows:

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

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In addition, Respondent has filed for a corporate brokers license. The Department has filed as a separate Statement of Issues in Department of Real Estate, Case Number H-5857 SAC. This Accusation and the Statement of Issues have common questions of

1 questions of fact and law. Therefore, pursuant to Government Code Section 11507.3, the  
2 Department intends to seek consolidation of these actions prior to hearing.

3 3

4 On or about April 3, 2012, in the San Joaquin County Superior Court, State of  
5 California, case number TF036194A, Respondent was convicted of violating Section 368 (b)(1)  
6 of the Penal Code (Elder or Dependent Adult Abuse), a misdemeanor, and Section 597 (b) of  
7 the Penal Code (Cruelty to Animals), a felony, each of which jointly and severally bears a  
8 substantial relationship under Section 2910, Title 10, California Code of Regulations, to the  
9 qualifications, functions, or duties of a real estate licensee.

10 4

11 The crimes of which Respondent was convicted, as alleged in Paragraph 3,  
12 above, jointly and severally constitute cause for suspension or revocation of all licenses and  
13 license rights of Respondent under Sections 490 and 10177(b) of the California Business and  
14 Professions Code.

15 Recovery of Reasonable Costs of Investigation and Enforcement

16 5

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

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