

FILED

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BUREAU OF REAL ESTATE

By *adw*

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8 BEFORE THE BUREAU OF REAL ESTATE

9 STATE OF CALIFORNIA

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11 In the Matter of the Accusation of

12 ARTHUR RAY SMITH,

13 Respondent.

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No. H-6423 - SAC

ACCUSATION

14 The Complainant, TRICIA D. PARKHURST, in her official capacity as a
15 Supervising Special Investigator of the Bureau of Real Estate of the State of California
16 ("Bureau") brings this Accusation against ARTHUR RAY SMITH ("Respondent") and is
17 informed and alleges as follows:

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19 Respondent is presently licensed by the Bureau and/or has license rights under the
20 Real Estate Law, Part 1 of Division 4 of the California¹ Business and Professions Code ("Code")
21 as a real estate broker.

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27 ¹ All references are to California Codes and Regulations, unless otherwise specifically stated.

1 FIRST CAUSE OF ACTION

2 Criminal Conviction

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4 On or about February 27, 2015, in the Superior Court of the State of California,
5 County of Solano, Case No. FCR299002, Respondent was convicted of violating Section
6 14601.2(a) of the Vehicle Code (driving with a suspended license), a misdemeanor and a crime
7 which bears a substantial relationship under Section 2910, Title 10, of the California Code of
8 Regulations ("Regulations"), to the qualifications, functions, or duties of a real estate licensee.

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10 The allegations contained at Paragraph 2, above, constitute cause pursuant to
11 Section 10177(b) (conviction of a crime substantially related to the qualifications, functions or
12 duties of a real estate licensee) and Section 490 (conviction of a crime) of the Code for the
13 suspension or revocation of all licenses and license rights of Respondent under the Real Estate
14 Law.

15 SECOND CAUSE OF ACTION

16 Failure to Disclose within Thirty (30) Days

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18 Each and every allegation contained at Paragraphs 1 through 3, inclusive, is
19 incorporated by reference as if fully set forth herein.

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21 A diligent search was made of the records of the Bureau relating to Respondent's
22 real estate license. As a result of said search no written record was discovered having been
23 received from Respondent notifying the Bureau in writing and within 30 days of either the
24 bringing of an indictment or the charging of a felony, the conviction of Respondent of one or
25 more misdemeanor and/or felony convictions, and/or any disciplinary action taken by another
26 licensing agency.

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The allegation contained at Paragraph 5, above, constitutes cause under Sections 10177(d) (willful disregard or violation of the Real Estate Law) and 10186.2 (failure to disclose) of the Code for the suspension or revocation of all licenses and license rights of Respondent under the Real Estate Law.

PRIOR ADMINISTRATIVE PROCEEDINGS

On or about January 9, 2013, in Agency Case No. H-5834 SAC, Respondent's real estate broker license was revoked and he was granted the right to a restricted real estate broker license, based on the allegations set forth in Paragraphs 8, 9, 10, and 11, below.

MATTERS IN AGGRAVATION

On or about April 9, 2010, in the Superior Court of the State of California, County of Solano, Respondent was convicted of violating Section 14601.2 of the Vehicle Code (driving on a suspended license), a misdemeanor and a crime which bears a substantial relationship under Section 2910 of the Regulations, to the qualifications, functions, or duties of a real estate licensee.

On or about March 3, 2008, in the Superior Court of the State of California, County of Solano, Respondent was convicted of violating Section 14601.2 of the Vehicle Code (driving on a suspended license), a misdemeanor and a crime which bears a substantial relationship, under Section 2910 of the Regulations, to the qualifications, functions or duties of a real estate licensee.

On or about January 27, 2003, in the Superior Court of the State of California, County of Alameda, Respondent was convicted of violating Section 23152(a) of the Vehicle Code (driving under the influence), a misdemeanor and a crime which bears a substantial

1 relationship, under Section 2910 of the Regulations, to the qualifications, functions or duties of a
2 real estate licensee.

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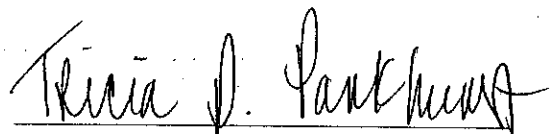
4 On or about November 2, 2000, in the Superior Court of the State of California,
5 County of Alameda, Respondent was convicted of violating Section 23152(b) of the Vehicle
6 Code (driving under the influence), a misdemeanor and a crime which bears a substantial
7 relationship, under Section 2910 of the Regulations, to the qualifications, functions or duties of a
8 real estate licensee.

9 Cost Recovery

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

16 WHEREFORE, Complainant prays that a hearing be conducted on the allegations
17 of this Accusation and that upon proof thereof, a decision be rendered revoking all licenses and
18 license rights of Respondent under the Real Estate Law (Part 1 of Division 4 of the Business and
19 Professions Code), for the cost of investigation and enforcement as permitted by law, and for
20 such other and further relief as may be proper under any other provision of law.

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24 TRICIA D. PARKHURST
25 Supervising Special Investigator

26 Dated at Sacramento, California,
27 this 7th day of August, 2016.

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DISCOVERY DEMAND

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