e.	
1 2 3	KYLE T. JONES, Counsel (SBN 300751)Department of Real EstateP.O. BOX 137007Sacramento, CA 95813-7007
4 5 6 7	Telephone: (916) 576-8700 MAY 1 3 2019 (916) 263-3767 (Fax) DEPARTMENT OF REAL ESTATE (916) 576-7840 (Direct) DEPARTMENT OF REAL ESTATE
8	BEFORE THE DEPARTMENT OF REAL ESTATE
9	STATE OF CALIFORNIA
10	
11	In the Matter of the Accusation of)
12) No. H-6834 SAC GABRIELA CARTER,)
13) <u>ACCUSATION</u>
14	Respondent.)
15	The Complainant, TRICIA D. PARKHURST, acting in her official capacity as a
16	Supervising Special Investigator of the State of California, for this Accusation against
17	GABRIELA CARTER ("Respondent"), is informed and alleges as follows:
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19	Respondent is presently licensed and/or has license rights under the Real Estate
20	Law, Part 1 of Division 4 of the California Business and Professions Code ("Code"), as a real
21	estate salesperson.
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23	On or about February 4, 2019, in the United States District Court, Eastern District
24	of California, Case No. 2:15-cr-00046-GEB, Respondent was convicted of violating Section
25	1344(1)/1344(2) (bank fraud), Title 18, of the United States Code, a felony and a crime that bears
26	a substantial relationship to the qualifications, functions or duties of a real estate licensee
27	pursuant to Section 2910, Title 10, of the California Code of Regulations.
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2	On April 22, 2015, a diligent search was made of the records of the Department of
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4	Real Estate ("Department") relating to Respondent's real estate salesperson license No.
	01193391. No record or written notice was received from Respondent notifying the Department,
5	in writing, of any arrest, indictment, or license disciplinary action.
6	GROUNDS FOR DISCIPLINE
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8	The facts alleged in Paragraph 2, above, constitute cause under Sections 490
9	(conviction of substantially related crime), 10177(b) (conviction of substantially related crime),
10	and 10177(j) (fraud or dishonest dealing) of the Code for the suspension or revocation of all
11	licenses and license rights of Respondent under the Real Estate Law.
12	5
13	Respondent's failure to report the indictment to the Department, as described in
14	Paragraph 3, above, violates Section 10186.2 (a) (conviction reporting requirements) of the
15	Code, and constitutes cause under Section 10177(d) (willful disregard or violation of Real Estate
16	Law) of the Code for suspension or revocation of all licenses and license rights of Respondent
17	under the Real Estate Law.
18	<u>COST RECOVERY</u>
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20	The Department will seek to recover the costs of the investigation and prosecution
21	of this case pursuant to Section 10106 of the Code which provides, in pertinent part, that in any
22	order issued in resolution of a disciplinary proceeding before the Department, the Commissioner
23	may request the administrative law judge to direct a licensee found to have committed a violation
24	of this part to pay a sum not to exceed the reasonable costs of the investigation and enforcement
25	of the case.
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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 Real Estate Law, for the	
4	cost of investigation and enforcement as permitted by law, and for such other and further relief as	
5	may be proper under other provisions of law.	
6 7	TRICIA D. PARKHURST	
8	Supervising Special Investigator	
9	Dated at Sacramento, California,	
10	this $day of Max$, 2019.	
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12	DISCOVERY DEMAND	
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14	Pursuant to Sections 11507.6, et seq. of the Administrative Procedure Act, the	
15	Department hereby makes demand for discovery pursuant to the guidelines set forth in the	
16	Administrative Procedure Act. Failure to provide Discovery to the Department may result in the	
17	exclusion of witnesses and documents at the hearing or other sanctions that the Office of	
18	Administrative Hearings deems appropriate.	
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