

**FILED**

**December 1, 2011**

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DEPARTMENT OF REAL ESTATE

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8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )  
12 TIMOTHY JON CARRE, ) No. H-11255 SF  
13 Respondent. ) ACCUSATION  
14

15 The Complainant, E. J. Haberer II, a Deputy Real Estate Commissioner of  
16 the State of California, for cause of Accusation against TIMOTHY JON CARRE (hereinafter  
17 "Respondent"), is informed and alleges as follows:

18 PRELIMINARY ALLEGATIONS

19 1

20 The Complainant, E. J. Haberer II, a Deputy Real Estate Commissioner of the  
21 State of California, makes this Accusation in his 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 (" the Code") as a real estate  
25 salesperson. At no time after November 8, 2010, has Respondent's real estate salesperson  
26 license been affiliated with an employing broker. At no time mentioned was Respondent  
27 licensed by the Department as a real estate broker, or endorsed as a mortgage loan originator.

1 3

2 At no time mentioned was United Equity Negotiations LLC (hereinafter "UEN")  
3 licensed by the Department as a real estate broker, or endorsed as a mortgage loan originator.

4 4

5 At all times mentioned, Respondent engaged in the business of, acted in the  
6 capacity of, advertised or assumed to act as a real estate broker in the State of California within  
7 the meaning of section 10131(d) of the Code, including the operation and conduct of a mortgage  
8 loan brokerage business with the public wherein Respondent solicited lenders and borrowers for  
9 loans secured directly or collaterally by liens on real property or a business opportunity, and  
10 wherein such loans were arranged, negotiated, processed, and consummated by Respondent on  
11 behalf of others for compensation or in expectation of a compensation.

12 FIRST CAUSE OF ACTION

13 5

14 Each and every allegation in Paragraphs 1 through 4, inclusive, above, are  
15 incorporated by this reference as if fully set forth herein.

16 6

17 Beginning on or about July 2011, in the course of the activities described in  
18 Paragraph 4, Respondent, on behalf of UEN, solicited and/or performed services for borrowers,  
19 in connection with loans secured directly or collaterally by liens on real property or on a business  
20 opportunity, for or in expectation of compensation. Such activities include, but are no limited to:

21 BORROWER

PROPERTY ADDRESS

22 Jim S.

325 Brisk Avenue, Waterford, California

23 7

24 By the commission of the acts alleged above, Respondent engaged in the business  
25 and acted in the capacity of a real estate broker within the State of California as defined by  
26 Section 10131(d) of the Code.

27 ///

The facts alleged in the above are grounds for the suspension or revocation of the licenses of Respondent under Sections 10130 and 10166.02 of the Code in conjunction with 10177(d) of the Code.

SECOND CAUSE OF ACTION

Each and every allegation in Paragraphs 1 through 8, inclusive, above, are incorporated by this reference as if fully set forth herein.

In connection with the operation and conduct of the real estate activities described in Paragraph 4, Respondent engaged in the business of claiming, demanding, charging, receiving, collecting, or contracting for the collection of advance fees within the meaning of Sections 10026 and 10131.2 (advance fees) of the Code including, but not limited to, the following:

<u>PROPERTY OWNER</u>	<u>DATE</u>	<u>ADVANCE FEE</u>
Jim S.	July 2011	\$3,995.00

In connection with the collection and handling of said advance fee, Respondent failed to cause the advance fee contract and all materials used in obtaining the advance fee agreement to be submitted to the Department of Real Estate prior to use as required by Section 10085 of the Code and Section 2970 of Title 10, California Code of Regulations (hereinafter "Regulations").

The acts and/or omissions of Respondent described above, constitute violation of Section 10177(d) of the Code in conjunction with Sections 10085, 10085.5, and 10146 of the Code and Section 2970 of the Regulations, and are cause for the suspension or revocation of Respondent's license and license rights.

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1 PRIOR DISCIPLINARY ACTION

2 13

3 Effective September 17, 2002, in Case No. H-8184 SF before the Department of  
4 Real Estate, the Real Estate Commissioner denied the real estate salesperson license of  
5 Respondent for violation of Section 480(a) of the Code, but granted the right to a restricted real  
6 estate salesperson license, on terms, conditions, and restrictions set forth in the Order.

7 WHEREFORE, Complainant prays that a hearing be conducted on the allegations  
8 of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary  
9 action against all licenses and license rights under the Real Estate Law (Part 1. of Division 4 of  
10 the Business and Professions Code) of Respondent, and for such other and further relief as may  
11 be proper under applicable provisions of law.

12  
13   
14 E. J. HABERER II  
15 Deputy Real Estate Commissioner

16 Dated at Oakland, California,  
17 this 9 day of November, 2011

18 DISCOVERY DEMAND

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