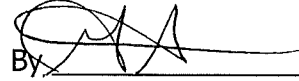


**FILED**

**March 28, 2012**

RICHARD K. UNO, Counsel (SBN 98275)  
Department of Real Estate  
P. O. Box 187007  
Sacramento, CA 95818-7007

DEPARTMENT OF REAL ESTATE

By 

Telephone: (916) 227-0789  
(916) 227-2380 (Direct)

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of	)	
	)	H-11348 SF
GARY LYNN MOUNTAIN,	)	
	)	<u>ACCUSATION</u>
Respondent.	)	
	)	

The Complainant, E. J. HABERER, II, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against GARY LYNN MOUNTAIN, (Respondent), is informed and alleges as follows:

1

Complainant makes this Accusation against Respondent in his official capacity.

2

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 (the Code) as a real estate salesperson.

3

On or about July 25, 2011, in the Superior Court of the State of California, County of Santa Clara, Case No. CC 941176, Respondent was convicted of violating Section

1 25401/25540(b) of the California Corporations Code (Communications Containing Untrue  
2 Statements and Omissions of Material Fact), Section 484/487 of the California Penal Code  
3 (Grand Theft) and Section 25110/25540(a) of the California Corporations Code (Offer to Sell  
4 and Sale of Unqualified Security-Issuer Transaction), all felonies and crimes which bear a  
5 substantial relationship under Section 2910, Title 10, California Code of Regulations, to the  
6 qualifications, functions, or duties of a real estate licensee.

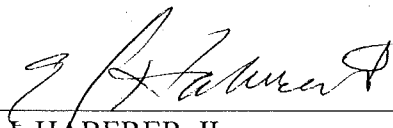
7 4

8 The facts alleged in Paragraph 3, above, constitute cause under Section 10177(b)  
9 (Further Grounds for Disciplinary Action-Conviction of Crime) and Section 490 (Conviction  
10 Substantially Related Crime) of the Code for suspension or revocation of Respondent's license  
11 under the Real Estate Law.

12 5

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

17 WHEREFORE, Complainant prays that a hearing be conducted on the allegations  
18 of this Accusation and that upon proof thereof, a Decision be rendered imposing disciplinary  
19 action against all licenses and license rights of Respondent under the Code, for the reasonable  
20 costs of investigation and prosecution of this case, including agency attorney's fees and for such  
21 other and further relief as may be proper under provisions of law.

22  
23   
24 E. J. HABERER, II  
Deputy Real Estate Commissioner

25 Dated at Oakland, California  
26 this 27 day of March, 2012.  
27