

1 STEPHANIE K. SESE, Counsel  
(SBN 225003)  
2 Bureau of Real Estate  
1651 Exposition Boulevard  
3 P. O. Box 137007  
4 Sacramento, CA 95813-7007  
5 Telephone: (916) 263-8670 (Main Office)  
-or- (916) 263-8686 (Direct)  
6 -or- (916) 263-8668 (Fax)

**FILED**

JUL - 9 2013

BUREAU OF REAL ESTATE

By *K. Contreras*

8 BEFORE THE BUREAU OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )  
 )  
12 TIMOTHY JON CARRE, ) No. H-11566 SF  
 )  
13 Respondent. ) ACCUSATION  
 )  
14 \_\_\_\_\_ )

15 The Complainant, ROBIN S. TANNER, acting in her official capacity as a  
16 Deputy Real Estate Commissioner of the State of California, for cause of Accusation against  
17 TIMOTHY JON CARRE (hereinafter "Respondent"), is informed and alleges as follows:

18 1

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

22 2

23 On or about December 20, 2012, in the Superior Court of the State of California,  
24 County of Alameda, Case No. 445088, Respondent was convicted of violating Section 23152(a)  
25 of the California Vehicle Code (driving under the influence), a misdemeanor which bears a  
26 substantial relationship under Section 2910, Title 10, of the California Code of Regulations  
27 (hereinafter the "Regulations") to the qualifications, functions or duties of a real estate licensee.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

3

The facts alleged above in Paragraph 2 constitute grounds under Sections 490 and 10177(b) of the Code for suspension or revocation of all licenses and license rights of Respondent under Part 1 of Division 4 of the Code.

4

On January 3, 2013, a diligent search was made of the records of the Department of Real Estate (hereinafter the "Department"), relating to Respondent's Real Estate Salesperson License No. 01332241. As a result of said search, no record was discovered having been received from Respondent notifying the Department, in writing, of any conviction, indictment, or license disciplinary action.

5

The facts alleged above in Paragraph 4 indicate Respondent's failure to comply with Sections 10186.2(a)(1)(A), 10186.2(a)(1)(B), and 10186.2(a)(2) (failure to report in writing to the Department of the bringing of an indictment or information charging a felony and/or a conviction of any felony or misdemeanor against Respondent within 30 days) of the Code, and constitute cause under Section 10177(d) (willful disregard or violation of the Real Estate Law; Part 1 of Division 4 of the Code) for revocation of all licenses and license rights of Respondent under said Real Estate Law.

MATTERS IN AGGRAVATION

Prior Administrative Action

6

Effective September 25, 2002, in Case No. H-8184 SF, before the Department of Real Estate of the State of California, the Real Estate Commissioner (hereinafter the "Commissioner") denied Respondent's application for a real estate salesperson license, but granted Respondent the right to a restricted real estate salesperson license. Effective June 26, 2006, the Commissioner granted Respondent's petition for the issuance of an unrestricted salesperson license.

1  
2 Effective December 12, 2011, in Case No. H-11256 SF, before the Department  
3 of Real Estate of the State of California, the Commissioner issued an Order to Desist and  
4 Refrain pursuant to Section 10086 of the Code, based on violations of Sections 10131(d)  
5 (performing services for borrowers and/or lenders in connection with loans secured by real  
6 property) and 10131.2 (real estate broker license required to charge and collect an advance fee)  
7 of the Code.

8  
9 Effective September 5, 2012, in Case No. H-11255 SF, before the Department of  
10 Real Estate of the State of California, the Commissioner ordered Suspended all licenses and  
11 licensing rights of Respondent, such suspension having been stayed upon certain terms and  
12 conditions, based on violations of Sections 10131(d) (performing services for borrowers and/or  
13 lenders in connection with loans secured by real property) and 10131.2 (real estate broker license  
14 required to charge and collect an advance fee) of the Code.

15  
16 On or about December 20, 2012, and pursuant to the allegations contained in  
17 Paragraphs 2-5, above, Respondent is alleged to have violated Section I(2)(a) of the Order of  
18 Suspension described in Paragraph 8, above.

19  
20 COST RECOVERY

21  
22 The Department will seek to recover costs of the investigation and prosecution of  
23 this case pursuant to Section 10106 of the Code which provides, in pertinent part, that in any  
24 order issued in resolution of a disciplinary proceeding before the Department, the Commissioner  
25 may request the Administrative Law Judge to direct a licensee found to have committed a  
26 violation of this part to pay a sum not to exceed the reasonable costs of the investigation and  
27 enforcement of the case.

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 revoking all licenses and  
3 license rights of Respondent under the Real Estate Law, for the cost of investigation and  
4 enforcement as permitted by law, and for such other and further relief as may be proper under  
5 other provisions of law.

6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

  
\_\_\_\_\_  
ROBIN S. TANNER  
Deputy Real Estate Commissioner

Dated at Oakland, California, on  
this 18<sup>th</sup> day of June, 2013.