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FILED

JAN 02 2020

DEPT. OF REAL ESTATE

By John Aguilera

9 BEFORE THE DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of) No. H-41422 LA
13 SARITA MICHELLE PAYNE,) FIRST AMENDED
14 Respondent.) ACCUSATION
15)

16 This Accusation amends the Accusation filed on August 5, 2019. The
17 Complainant, Veronica Kilpatrick, a Supervising Special Investigator of the State of California,
18 for cause of Accusation against SARITA MICHELLE PAYNE (“Respondent”) alleges as
19 follows:

20 1.

21 The Complainant, Veronica Kilpatrick, a Supervising Special Investigator of the
22 State of California, makes this Accusation in her official capacity.

23 2.

24 Respondent presently has license rights under the Real Estate Law, Part 1 of
25 Division 4 of the California Business and Professions Code (“Code”), as a real estate broker
26 (License ID 01902195). Respondent’s license is scheduled to expire on November 8, 2019,
27 unless renewed.

1 FIRST CAUSE OF ACCUSATION

2 (CRIMINAL CONVICTION)

3 3.

4 On or about June 28, 2017, in the Superior Court of California, County of Los
5 Angeles, Case No. TA140337, Respondent was convicted on a plea of nolo contendere for
6 violation of Penal Code section 502(c)(3) (unauthorized use of computer services), a
7 misdemeanor. In part, Respondent was placed on summary probation for 1 year, under certain
8 terms and conditions, including restitution of \$5,000.00 to the victim, 20 days of community
9 service, and certain fines and fees.

10 4.

11 The conviction, as described in Paragraph 3 above, bears a substantial
12 relationship under Section 2910, Title 10, Chapter 6, California Code of Regulations to the
13 qualifications, functions or duties of a real estate licensee.

14 5.

15 The crime of which Respondent was convicted, as described in Paragraph 3
16 above, constitutes cause under Sections 490 and 10177(b) of the Code for the suspension or
17 revocation of the license and license rights of Respondent under the Real Estate Law.

18 SECOND CAUSE OF ACCUSATION

19 (FAILURE TO REPORT CONVICTION)

20 6.

21 Pursuant to Section 10186.2 of the Code, a licensee shall report, in writing, "the
22 conviction of the licensee, including any verdict of guilty, or plea of guilty or no contest, of any
23 felony or misdemeanor" to the Department of Real Estate ("Department") within thirty (30)
24 days of the conviction. Respondent failed to report in writing to the Department the conviction,
25 as described in Paragraph 3 above, within thirty (30) days of the conviction date.

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27 //

1 7.

2 Respondent's failure to timely report the conviction constitutes cause under
3 Section 10186.2 of the Code for the suspension or revocation of the license and license rights of
4 Respondent under the Real Estate Law.

5 (COSTS OF INVESTIGATION AND ENFORCEMENT)

6 8.

7 California Business and Professions Code section 10106, provides, in pertinent
8 part, that in any order issued in resolution of a disciplinary proceeding before the Department of
9 Real Estate, the Commissioner may request the administrative law judge to direct a licensee
10 found to have committed a violation of this part to pay a sum not to exceed the reasonable costs
11 of the investigation and enforcement of the case.

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1 WHEREFORE, Complainant prays that a hearing be conducted on the
2 allegations of this Accusation and that upon proof thereof, a decision be rendered imposing
3 disciplinary action against all the licenses and license rights of Respondent SARITA
4 MICHELLE PAYNE under the Real Estate Law, for the costs of investigation and enforcement
5 as permitted by law, and for such other and further relief as may be proper under other
6 applicable provisions of law.
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8 Dated at San Diego, California this 30 day of December, 2020.
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12 _____
13 Veronica Kilpatrick
14 Supervising Special Investigator
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26 cc: SARITA MICHELLE PAYNE
27 Veronica Kilpatrick
Sacto.