FILED

DEC - 4 2013

BUREAU OF REAL ESTATE

By B. Contreras

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of TIMOTHY JON CARRE, Respondent.	No. H-11566 SF

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On July 9, 2013, an Accusation was filed in this matter against Respondent TIMOTHY JON CARRE.

On November 5, 2013, Respondent TIMOTHY JON CARRE petitioned the Commissioner to voluntarily surrender his real estate salesperson license and salesperson mortgage loan originator license endorsement pursuant to Section 10100.2 of the California Business and Professions Code.

IT IS HEREBY ORDERED that Respondent TIMOTHY JON CARRE's petition for voluntary surrender of his real estate salesperson license and salesperson mortgage loan originator license endorsement is accepted as of the effective date of this Order as set forth below, based upon the understanding and agreement expressed in Respondent TIMOTHY JON CARRE's Declaration dated November 13, 2013 (attached as Exhibit "A" hereto).

Respondent TIMOTHY JON CARRE's license certificate and pocket card shall be sent to the below listed address so that they reach the Bureau on or before the effective date of this Order:

BUREAU OF REAL ESTATE
Attn: Licensing Flag Section
P. O. Box 137013
Sacramento, CA 95813-7013

This Order shall become effective at 12 o'clock noon on DEC 24 2013.

DATED: NOV 25 2013

REAL ESTATE COMMISSIONER

By: JEFFREY MASON
Chief Deputy Commissioner

BEFORE THE

BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of TIMOTHY JON CARRE, Respondent.	)))))	NO. H-11566 SF

DECLARATION

My name is TIMOTHY JON CARRE. I am currently licensed as a real estate salesperson and possess a salesperson mortgage loan originator license endorsement and/or have license rights with respect to said license. I am represented by Joshua A. Rosenthal, Esq. and have discussed this matter with him prior to my execution of this Declaration.

In lieu of proceeding in this matter in accordance with the provisions of the Administrative Procedure Act (Sections 11400 et seq., of the Business and Professions Code), I wish to voluntarily surrender my real estate broker license issued by the Bureau of Real Estate ("Bureau"), pursuant to Business and Professions Code Section 10100.2.

I understand that by so voluntarily surrendering my license, I may be relicensed as a broker or as a salesperson only by petitioning for reinstatement pursuant to Section 11522 of the Government Code. I also understand that by so voluntarily surrendering my license, I

EXHIBIT A

agree to the following:

1. The filing of this Declaration shall be deemed as my petition for voluntary surrender.

2. It shall also be deemed to be an understanding and agreement by me that I waive all rights I have to require the Commissioner to prove the allegations contained in the investigation conducted at a hearing held in accordance with the provisions of the Administrative Procedure Act (Government Code Sections 11400 et seq.), and that I also waive other rights afforded to me in connection with the hearing such as the right to discovery, the right to present evidence in defense of the allegations in the Accusation and the right to cross-examine witnesses.

3. I further agree that upon acceptance by the Commissioner, as evidenced by an appropriate order, all affidavits and all relevant evidence obtained by the Bureau in this matter prior to the Commissioner's acceptance, and all allegations contained in the Accusation may be considered by the Bureau to be true and correct for the purpose of deciding whether to grant relicensure or reinstatement pursuant to Government Code Section 11522.

4. I freely and voluntarily surrender all my license and license rights under the Real Estate Law.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct and that this declaration was executed on 11/13/13, at San Ramon, California.

TIMOTHY JON CARRI
Respondent

* * *

I have reviewed this Declaration as to form and content and have advised my client accordingly.

11-14-13
Dated

Joshua A. Rosenthal, Esq.
Attorney for Respondent

EXHIBIT A

STEPHANIE K. SESE, Counsel
(SBN 225003)
Bureau of Real Estate
1651 Exposition Boulevard
P. O. Box 137007
Sacramento, CA 95813-7007

Telephone: (916) 263-8670 (Main Office)
-or- (916) 263-8686 (Direct)
-or- (916) 263-8668 (Fax)

FILED

JUL - 9 2013

BUREAU OF REAL ESTATE

By K. Contreras

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of TIMOTHY JON CARRE, Respondent.	No. H-11566 SF ACCUSATION

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

1

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 (hereinafter "the Code") as a real estate salesperson.

2

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

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.

7

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

8

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

9

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

COST RECOVERY

10

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

WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered revoking all licenses and license rights of Respondent under the Real Estate Law, for the cost of investigation and enforcement as permitted by law, and for such other and further relief as may be proper under other provisions of law.

ROBIN S. TANNER
Deputy Real Estate Commissioner

Dated at Oakland, California, on
this 18th day of June, 2013.