

1 KYLE T. JONES, Counsel (SBN 300751)
2 Department of Real Estate
3 P.O. BOX 137007
4 Sacramento, CA 95813-7007

5 Telephone: (916) 263-8672
6 (916) 263-3767 (Fax)
7 (916) 263-7303 (Direct)

FILED

DEC 24 2018

DEPARTMENT OF REAL ESTATE

By L. Knapp

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)

12 LAUREN PAIGE TRACY,)

13 Respondent.)

No. H-3223 FR

ACCUSATION

14
15 The Complainant, BRENDA SMITH, acting in her official capacity as a
16 Supervising Special Investigator of the State of California, for this Accusation against LAUREN
17 PAIGE TRACY ("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 California Business and Professions Code ("Code"), as a real
21 estate broker.

22 2

23 On or about April 3, 2017, in the Superior Court of the State of California, County
24 of Mono, Case No. MM116003272, Respondent was convicted of violating Section 273.5(a)
25 (corporal injury to a spouse/cohabitant) of the California Penal Code, a misdemeanor and a crime
26 that bears a substantial relationship to the qualifications, functions or duties of a real estate
27 licensee pursuant to Section 2910, Title 10, of the California Code of Regulations.

On October 16, 2018, a diligent search was made of the records of the Department of Real Estate ("Department") relating to Respondent's real estate broker license No. 01414631. No record or written notice was received from Respondent notifying the Department, in writing, of any arrest, conviction, indictment or license disciplinary action.

GROUND FOR DISCIPLINE

4

The facts alleged in Paragraph 2, above, constitute cause under Sections 490 (conviction of substantially related crime) and 10177(b) (conviction of substantially related crime) of the Code for the suspension or revocation of all licenses and license rights of Respondent under the Real Estate Law.

5

Respondent's failure to report the conviction to the Department, as described in Paragraph 3, above, violates Section 10186.2 (a) (conviction reporting requirements) of the Code, and constitutes cause under Section 10177(d) (willful disregard or violation of Real Estate Law) of the Code for suspension or revocation of all licenses and license rights of Respondent under the Real Estate Law.

MATTER IN AGGRAVATION

6

On or about January 7, 2008, in the Superior Court of the State of California, County of Mono, Case No. MMI076836, Respondent was convicted of violating Section 273.5(a) of the California Penal Code, a misdemeanor.

COST RECOVERY

7

The Department will seek to recover the 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

1 may request the administrative law judge to direct a licensee found to have committed a violation
2 of this part to pay a sum not to exceed the reasonable costs of the investigation and enforcement
3 of the case.

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

9 
10 BRENDASMITH
11 Supervising Special Investigator

12 Dated at Fresno, California,
13 this 12 day of December, 2018.

14
15
16 DISCOVERY DEMAND

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