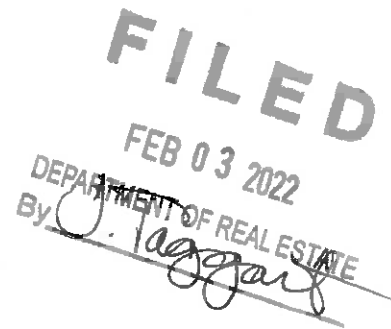


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8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12) No. H-3423 FR
13 KIABETH COOK,)
14 Respondent.) ACCUSATION

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 KIABETH
17 COOK ("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 salesperson.

22 2

23 On or about August 26, 2020, in the Superior Court of the State of California,
24 County of Santa Cruz, Case No. 19CR05484, Respondent was convicted of violating Section
25 245(a)(4) (assault by means likely to produce great bodily injury) of the California Penal Code, a
26 misdemeanor and a crime that bears a substantial relationship to the qualifications, functions or

27 ///

duties of a real estate licensee pursuant to Section 2910, Title 10, of the California Code of Regulations.

4

On December 23, 2021, a diligent search was made of the records of the Department of Real Estate ("Department") relating to Respondent's real estate license No. 02073211. No record or written notice was received within 30 days from Respondent notifying the Department, in writing, of any conviction, license disciplinary action, criminal complaint, information, or indictment charging a felony.

GROUNDS 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 the suspension or revocation of all licenses and license rights of Respondent under the Real Estate Law.

COST RECOVERY

6

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 may request the administrative law judge to direct a licensee found to have committed a violation

111

1 of this part to pay a sum not to exceed the reasonable costs of the investigation and enforcement
2 of the case.

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

8 
9

10 BREND A SMITH

11 Supervising Special Investigator
12

13 Dated at Fresno, California,

14 this 28 day of January, 2022.
15

16 DISCOVERY DEMAND
17

18 Pursuant to Sections 11507.6, *et seq.* of the *Administrative Procedure Act*, the
19 Department hereby makes demand for discovery pursuant to the guidelines set forth in the
20 *Administrative Procedure Act*. Failure to provide Discovery to the Department may result in the
21 exclusion of witnesses and documents at the hearing or other sanctions that the Office of
22 Administrative Hearings deems appropriate.
23
24
25
26
27