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FILED

NOV 03 2021

DEPT. OF REAL ESTATE

By John Aguil

9 BEFORE THE DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of) No. H-05251 SD
13 LINDA LOUISE FLEAGER,) ACCUSATION
14 Respondent.)
15)

16 The Complainant, Veronica Kilpatrick, a Supervising Special Investigator of the
17 State of California, for cause of Accusation against LINDA LOUISE FLEAGER, a.k.a. "Linda
18 L. Fleager" and "Linda Fleager" ("Respondent"), alleges as follows:

19 1.

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

22 2.

23 Respondent presently has license rights under the Real Estate Law, Part 1 of
24 Division 4 of the California Business and Professions Code ("Code"), as a restricted real estate
25 salesperson (License ID 01344757). On June 30, 2021, Respondent's restricted salesperson
26 license expired, under Governor Newsom's Executive Order N-83-20. Pursuant to Code
27 Section 10201, Respondent retains for two years the renewal rights for his license. The

ACCUSATION

1 Department of Real Estate holds jurisdiction over the lapsed licenses, pursuant to Code Section
2 10103.

3 (CRIMINAL CONVICTIONS)

4 3.

5 On or about September 30, 2020, in the Superior Court of California, County of
6 San Diego, Case No. SCN414708, Respondent was convicted, upon a guilty plea, of violating
7 Penal Code section 452(c) (unlawfully causing a fire of a structure or forest land), a felony.
8 The court suspended the imposition of sentence and placed Respondent on formal probation for
9 three (3) years, subject to certain terms and conditions, including in part, 166 days in county
10 jail and payment of restitution, fines and fees.

11 4.

12 On or about March 6, 2020, in the Superior Court of California, County of San
13 Diego, Case No. CN411653, Respondent was convicted, upon a guilty plea, of violating
14 Vehicle Code section 23152(b) (DUI with BAC of 0.08% or more), a misdemeanor, enhanced
15 by Vehicle Code section 23540 (prior DUI within 10 years) and Vehicle Code section 23578
16 (BAC of 0.15% or more). The court suspended the imposition of sentence and placed
17 Respondent on summary probation for five (5) years, subject to certain terms and conditions,
18 including in part, 10 days in county jail, multiple conviction program, MADD program,
19 ignition interlock device for one (1) year, and payment of fines and fees.

20 5.

21 The convictions, as described in Paragraphs 3 and 4 above, bear a substantial
22 relationship under Section 2910, Title 10, Chapter 6, California Code of Regulations to the
23 qualifications, functions or duties of a real estate licensee.

24 6.

25 The crimes for which Respondent was convicted, as described in Paragraphs 3
26 and 4 above, constitute cause under Code sections 490, 10177(b), and 10177(k) for the
27 suspension or revocation of the license and license rights of Respondent under the Real Estate

ACCUSATION

1 Law.

2 (FAILURE TO REPORT CONVICTIONS)

3 7.

4 Pursuant to Section 10186.2 of the Code, a licensee shall report, in writing, "the
5 conviction of the licensee, including any verdict of guilty, or plea of guilty or no contest, of any
6 felony or misdemeanor" to the Department of Real Estate ("Department") within thirty (30)
7 days of the conviction. Respondent failed to report in writing to the Department the convictions
8 described in Paragraphs 3 and 4 above, within thirty (30) days of the conviction dates.

9 8.

10 Respondent's failure to timely report the convictions described in Paragraphs 3
11 and 4 above constitutes cause under Section 10186.2 of the Code for the suspension or
12 revocation of the license and license rights of Respondent under the Real Estate Law.

13 (IN AGGRAVATION)

14 9.

15 On or about August 7, 2018, in the Superior Court of California, County of San
16 Diego, Case No. CN388374, Respondent was convicted, upon a guilty plea, of violating
17 Vehicle Code section 23152(b) (DUI with BAC of 0.08% or more), a misdemeanor. The court
18 suspended the imposition of sentence and placed Respondent on summary probation for five
19 (5) years, subject to certain terms and conditions, including in part, first conviction program,
20 MADD program, and payment of fines and fees.

21 10.

22 On or about October 17, 2000, in the Superior Court of California, County of
23 San Diego, Case No. SCN114482, Respondent was convicted of violating Vehicle Code
24 section 23152(a) (DUI), a misdemeanor.

25 11.

26 On or about October 22, 1997, in the Municipal Court of California, County of
27 San Diego, Case No. 62486, Respondent was convicted of violating Vehicle Code section

ACCUSATION

1 23103 (reckless driving), a misdemeanor.

2 12.

3 On or about October 22, 1997, in the Municipal Court of California, County of
4 San Diego, Case No. 62683, Respondent was convicted of violating Vehicle Code section
5 23152(a) (DUI), a misdemeanor.

6 (COSTS OF INVESTIGATION AND ENFORCEMENT)

7 13.

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

13 14.

14 These proceedings are brought under the provisions of Section 10100, Division
15 4 of the Business and Professions Code of the State of California and Sections 11500 through
16 11528 of the California Government Code.

17 WHEREFORE, Complainant prays that a hearing be conducted on the
18 allegations of this Accusation and that upon proof thereof, a decision be rendered imposing
19 disciplinary action against all the licenses and license rights of LINDA LOUISE FLEAGER
20 under the Real Estate Law, for the costs of investigation and enforcement as permitted by law,
21 and for such other and further relief as may be proper under other applicable provisions of law.

22
23 Dated at San Diego, California
24 this 3 day of November, 2021.

25
26 *Veronica Kilpatrick*
27 _____
Veronica Kilpatrick
Supervising Special Investigator

ACCUSATION

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cc: LINDA LOUISE FLEAGER
Veronica Kilpatrick
Sacto.