

**FILED**

**April 9, 2012**

1 TRULY SUGHRUE, Counsel  
2 State Bar No. 223266  
3 Department of Real Estate  
4 P.O. Box 187007  
5 Sacramento, CA 95818-7007

DEPARTMENT OF REAL ESTATE

By *J. Jones*

6 Telephone: (916) 227-0789  
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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 FRAYBA TIPTON, )  
13 Respondent. )

No. H-5806 SAC  
ACCUSATION

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15 The Complainant, TRICIA D. SOMMERS, a Deputy Real Estate Commissioner  
16 of the State of California, for cause of Accusation against FRAYBA TIPTON (hereinafter  
17 "Respondent"), is informed and alleges as follows:

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19 The Complainant makes this Accusation in her official capacity.

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21 Respondent is presently licensed and/or have license rights under the Real Estate  
22 Law, Part 1 of Division 4 of the Business and Professions Code (hereinafter "the Code").

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24 At all times mentioned, Respondent was and now is licensed by the Department  
25 of Real Estate of the State of California (hereinafter "Department") as a real estate broker.

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Respondent has informed the Department that her main office is 793 S. Tracy Blvd., # 205, Tracy, California 95376.

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At no time to the date of the filing of this Accusation has the Department received notice from Respondent that her main office and mailing addresses have changed from 793 S. Tracy Blvd., # 205, Tracy, California 95376.

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On or about April 4, 2011, a Special Investigator from the Department's Sacramento Office drove to 793 S. Tracy Blvd., # 205, Tracy, California 95376, and found that 793 S. Tracy Blvd. is the location of a UPS Store. The Special Investigator confirmed with the manager that the UPS Store had been at that location for approximately six (6) years.

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The acts and/or omissions of Respondent described above violate Section 10162 of the Code (Maintenance of Definite Place of Business Within State) and Section 2715 (Notification to Department of Principal Place of Business) Title 10, California Code of Regulations, and are grounds for the revocation or suspension of all Respondent's licenses and/or license rights under Section 10177(d) (Willful Violation of Real Estate Law) of the Code.

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Section 10106 of the Code 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.

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

  
TRICIA D. SOMMERS  
Deputy Real Estate Commissioner

Dated at Sacramento, California,  
this 4<sup>th</sup> day of April, 2012.

DISCOVERY DEMAND:

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