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FILED

JUN 18 2012

DEPARTMENT OF REAL ESTATE

By K. Contreras

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )  
12 ) NO. H-5842 SAC  
13 TRACY TOMIKO JAMES, )  
14 ) ACCUSATION  
Respondent. )

15 The Complainant, TRICIA SOMMERS, a Deputy Real Estate Commissioner of  
16 the State of California, for cause of Accusation in her official capacity against TRACY TOMIKO  
17 JAMES (herein "Respondent"), is informed and alleges as follows:

18 1

19 At all times herein mentioned, Respondent was and now is licensed and/or has  
20 license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions  
21 Code) (herein "the Code").

22 2

23 At all times herein mentioned, Respondent was and now is licensed by the State  
24 of California Department of Real Estate as a real estate salesperson.

25 3

26 At all times herein mentioned, Respondent engaged in the business of, acted in  
27 the capacity of, advertised, or assumed to act as a real estate salesperson within the State of

1 California within the meaning of Section 10131(a) of the Code, including acting in the capacity  
2 of a transaction coordinator in a resale brokerage with the public wherein, on behalf of others, for  
3 compensation or in expectation of compensation, Respondent sold and offered to sell, bought and  
4 offered to buy, solicited prospective sellers and purchasers of, solicited and obtain listings of, and  
5 negotiated the purchase and sale of real property.

6 4

7 Between about January 11, 2010 and about April 5, 2010, Respondent,  
8 unbeknownst to real estate salesperson Karen L. Henson (herein "Henson"), signed Henson's  
9 name to real estate transaction documents as representing buyers, Zhuang S. and Ping Z., in  
10 connection with the sale of real property located at Silver Point Lane, Gold River, when in fact at  
11 no time nor in any way did Henson represent said buyers, in violation of Sections 10176(a) and  
12 (i) and/or 10177(j) of the Code:

<u>Documents</u>	<u>Date Signed</u>
Notice of Default Purchase Agreement	1/11/10
Declaration and Proof of Real Estate License	1/11/10
Disclosure Regarding Real Estate Agency Relationship	1/11/10
Disclosure Regarding Real Estate Agency Relationship	1/11/10
Disclosure Regarding Real Estate Agency Relationship	1/11/10
Real Estate Transfer Disclosure Statement	3/15/10
Agent Visual Inspection Disclosure	3/15/10
Agent Visual Inspection Disclosure	3/15/10
Natural Hazard Disclosure Statement and Disclosure Report Receipt	undated
Natural Hazard Disclosure Statement and Disclosure Report Receipt	undated
Lead-Based Paint and Lead-Based Paint Hazards Disclosure Acknowledgment and Addendum	3/15/10
Statewide Buyer and Seller Advisory	3/15/10

24 5

25 Between about May 6, 2010 and about July 7, 2010, Respondent, unbeknownst  
26 to real estate salesperson Henson, signed Henson's name to real estate transaction documents  
27 as representing buyer, Alina T., in connection with the sale of real property located at

1 Millport Drive, Roseville, CA, when in fact at no time nor in any way did Henson represent said  
2 buyer, in violation of Sections 10176(a) and (i) and/or 10177(j) of the Code:

<u>Documents</u>	<u>Date Signed</u>
California Residential Purchase Agreement and	
and Escrow Instructions	5/6/10
Declaration and Proof of Real Estate License	undated
Disclosure Regarding Real Estate Agency Relationship	5/6/10
Disclosure and Consent of Representation of More	
Than One Buyer and Seller	5/6/10
Real Estate Transfer Disclosure Statement	5/7/10
Agent Visual Inspection Disclosure	5/7/10
Agent Visual Inspection Disclosure (Page 3)	5/7/10
Natural Hazard Disclosure Statement and	
Disclosure Report Receipt	7/2/10

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12 The facts alleged in Paragraphs 4 and 5, above, are grounds for the suspension or  
13 revocation of the license and license rights of Respondent TRACY TOMIKO JAMES under  
14 Sections 10176(a) and (i) and/or 10177(j) of the Code.

15 WHEREFORE, Complainant prays that a hearing be conducted on the allegations  
16 of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary  
17 action against all licenses and license rights of Respondent under the Real Estate Law (Part 1 of  
18 Division 4 of the Business and Professions Code), for the cost of the investigation and  
19 enforcement as permitted by law, and for such other and further relief as may be proper under  
20 other applicable provisions of law.

22   
23 TRICIA SOMMERS  
24 Deputy Real Estate Commissioner  
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26 Dated at Sacramento, California  
27 this 5th day of June, 2012.