

MARY F. CLARKE, Counsel (SBN 186744)  
Bureau of Real Estate  
1651 Exposition Blvd.  
P. O. Box 137007  
Sacramento, CA 95813-7007

Telephone: (916) 263-8670 (Main)  
-or- (916) 263-7303 (Direct)  
-or- (916) 263-3767 (Fax)

**FILED**

APR 30 2014

BUREAU OF REAL ESTATE

By K. Contreras

BEFORE THE  
BUREAU OF REAL ESTATE  
STATE OF CALIFORNIA

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In the Matter of the Accusation of	)	
	)	NO. H-6121 SAC
BRANDY TOPETE,	)	
	)	<u>ACCUSATION</u>
Respondent.	)	
_____	)	

The Complainant, TRICIA PARKHURST, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation in her official capacity against BRANDY TOPETE (herein "Respondent"), is informed and alleges as follows:

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Respondent is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code (herein "the Code").

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At all times herein mentioned, Respondent was licensed by the Bureau of Real Estate (herein "the Bureau") as a real estate salesperson.

3

At all times herein mentioned, Respondent engaged in the business of, acted in the capacity of, and assumed to act as a real estate broker within the State of California, within the

1 meaning of Section 10131(b) of the Code including the operation and conduct of a property  
2 management business with the public wherein, on behalf of others, for compensation or in  
3 expectation of compensation, Respondent leased or rented or offered to lease or rent, or solicited  
4 listings of places for rent, or solicited for prospective tenants of real property or improvements  
5 thereon, or collected rents from real property or improvements thereon.

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7 On about October 8, 2012, Respondent entered into a listing agreement with  
8 Gloria D. (herein "Gloria") for a property located on Republic Avenue, Napa, California  
9 (herein the Property) for a short sale with a listed price of about \$230,000.00.

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11 Between about November 2012 and January 2013, in so acting as described in  
12 Paragraph 3, above, and unbeknownst to her employing broker, Respondent collected three (3)  
13 months rent in cash for the Property in the amount of about \$1,600.00 per month (\$4,800.00),  
14 contrary to CB's Office Policy and to their Independent Contractor Agreement with Respondent;  
15 Respondent failed to deliver said cash to her broker, but rather stored the cash in her SUV, until  
16 disbursement to Gloria sometime in January 2013, in violation of Sections 10130 (licensed  
17 activity), 10145(c) (deliver trust funds to employing broker) and 10177(g) (negligence or  
18 incompetence) of the Code in conjunction with Section 10177(d) of the Code, which acts and/or  
19 omissions are grounds for discipline under the Code.

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21 Investigation and Enforcement Costs

22 Section 10106 of the Code provides, in pertinent part, that in any order issued  
23 in resolution of a disciplinary proceeding before the Bureau, the Commissioner may request  
24 the Administrative Law Judge to direct a licensee found to have committed a violation of this  
25 part to pay a sum not to exceed the reasonable costs of the investigation and enforcement of  
26 the case.

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

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11                  TRICIA PARKHURST  
12                  Deputy Real Estate Commissioner

13                  Dated at Sacramento, California,  
14                  this 28<sup>th</sup> day of April, 2014.  
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