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BUREAU OF REAL ESTATE

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BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the First Amended Accusation of	)	
	)	NO. H-6365 SAC
DAVID WILLIAM PRACHT,	)	
	)	<u>FIRST AMENDED</u>
Respondent.	)	<u>ACCUSATION</u>
	)	

The Complainant, TRICIA PARKHURST, a Supervising Special Investigator of the State of California, makes this First Amended Accusation in her official capacity against DAVID WILLIAM PRACHT (herein "Respondent"), is informed and alleges as follows:

1

Respondent is 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").

2

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

3

At all times herein mentioned, Respondent engaged in the business of, acted in the capacity of, advertised, or assumed to act as a real estate broker for compensation or in

1 expectation of compensation within the State of California within the meaning of Section
2 10131(a) of the Code, whereby Respondent sold or offered to sell, bought or offered to buy,
3 solicited prospective sellers or purchasers of, solicited or obtained listings of, or negotiated the
4 purchase, sale or exchange of real property or a business opportunity.

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6 On about January 14, 2014, Respondent, in connection with the activities
7 described in Paragraph 3, above, represented buyer, Judy A. (herein "Judy") in the purchase of a
8 property located on Lake Forest Drive, Penn Valley, California (herein "the Property") for a
9 purchase price of about \$189,000.

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11 Between about January 14, 2014, and February 12, 2014, the date escrow closed,
12 Respondent represented to Judy that the propane heating system "was checked and works fine"
13 and that it "didn't work right because it was out of propane." Both statements were made as the
14 result of Respondent's misunderstanding during a conversation he had with McCoy &
15 Bielenberg's (herein "Bielenberg") technician. Further, Respondent incorrectly assumed that
16 Bielenberg used a portable propane tank to check the system and represented such Judy. In fact,
17 the heating system did not work fine, could not be inspected because it was out of propane, and
18 Bielenberg does not use portable propane tanks, in violation of Section 10176(a).

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20 The facts alleged in Paragraph 5, above, are grounds for the suspension or
21 revocation of the license and license rights of Respondent under Section 10176(a) of the Code.

22 COST RECOVERY

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24 Investigation and Enforcement Costs

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

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

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11 TRICIA PARKHURST
12 Supervising Special Investigator
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14 Dated at Sacramento, California,
15 this 30th day of June, 2016.
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