

✓  
**FILED**

MAR 09 2016

**BUREAU OF REAL ESTATE**

By B. dew

1 STEPHANIE K. SESE, Counsel (SBN 225003)

Bureau of Real Estate

2 P.O. Box 137007

3 Sacramento, CA 95813-7007

4 Telephone: (916) 263-8672  
(916) 263-3767 (Fax)

5  
6  
7  
8 BEFORE THE BUREAU OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )

No. H-6369 SAC

12 TAMMY LYNN EWING, )

ACCUSATION

13 Respondent. )

14 The Complainant, TRICIA PARKHURST, in her official capacity as a  
15 Supervising Special Investigator of the Bureau of Real Estate of the State of California  
16 ("Bureau") brings this Accusation against TAMMY LYNN EWING ("Respondent") and is  
17 informed and alleges as follows:

18 1

19 Respondent is presently licensed by the Bureau and/or has license rights under the  
20 Real Estate Law, Part 1 of Division 4 of the California<sup>1</sup> Business and Professions Code ("Code")  
21 as a real estate salesperson.

22 FIRST CAUSE OF ACTION

23 Criminal Conviction

24 2

25 On or about September 15, 2015, in the Superior Court of the State of California,  
26

27 <sup>1</sup> All references are to California Codes and Regulations, unless otherwise specifically stated.

1 County of Alameda, Case No. 151540, Respondent was convicted, upon a plea of *nolo*  
2 *contendre*, of violating Section 20002(a) of the Vehicle Code (hit and run), a misdemeanor and a  
3 crime which bears a substantial relationship under Section 2910, Title 10, of the California Code  
4 of Regulations ("Regulations"), to the qualifications, functions, or duties of a real estate licensee.

5 3

6 The allegations contained at Paragraph 2, above, constitute cause pursuant to  
7 Section 10177(b) (conviction of a crime substantially related to the qualifications, functions or  
8 duties of a real estate licensee) and Section 490 (conviction of a crime) of the Code for the  
9 suspension or revocation of all licenses and license rights of Respondent under the Real Estate  
10 Law.

11 SECOND CAUSE OF ACTION

12 Failure to Disclose within Thirty (30) Days

13 4

14 Each and every allegation contained at Paragraphs 1 through 3, inclusive, is  
15 incorporated by reference as if fully set forth herein.

16 5

17 A diligent search was made of the records of the Bureau relating to Respondent's  
18 real estate license. As a result of said search no written record was discovered having been  
19 received from Respondent notifying the Bureau in writing and within 30 days of either the  
20 bringing of an indictment or the charging of a felony, the conviction of Respondent of one or  
21 more misdemeanor and/or felony convictions, and/or any disciplinary action taken by another  
22 licensing agency.

23 6

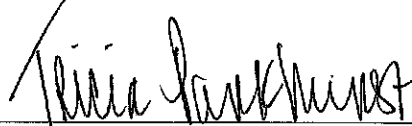
24 The allegation contained at Paragraph 5, above, constitutes cause under Sections  
25 10177(d) (willful disregard or violation of the Real Estate Law) and 10186.2 (failure to disclose)  
26 of the Code for the suspension or revocation of all licenses and license rights of Respondent  
27 under the Real Estate Law.

1 Cost Recovery

2 7

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

8 WHEREFORE, Complainant prays that a hearing be conducted on the allegations  
9 of this Accusation and that upon proof thereof, a decision be rendered revoking all licenses and  
10 license rights of Respondent under the Real Estate Law (Part 1 of Division 4 of the Business and  
11 Professions Code), for the cost of investigation and enforcement as permitted by law, and for  
12 such other and further relief as may be proper under any other provision of law.

13  
14   
15

16 TRICIA PARKHURST  
17 Supervising Special Investigator

18 Dated at Sacramento, California,  
19 this 3rd day of March, 2016.  
20  
21  
22

23 DISCOVERY DEMAND

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