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FILED

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BUREAU OF REAL ESTATE

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8 BEFORE THE BUREAU OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12) NO. H- 6447 SAC
13 MELANIE AMANDA WESTBROOK,)
14 and JOHN WILLIAM SHAW) ACCUSATION
15 Respondents.)

16 The Complainant, TRICIA D. PARKHURST, a Supervising Special Investigator
17 of the State of California, for cause of Accusation against JOHN WILLIAM SHAW (SHAW)
18 and MELANIE AMANDA WESTBROOK (WESTBROOK), collectively referred to as
19 RESPONDENTS, is informed and alleges as follows:

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21 The Complainant makes this Accusation in her official capacity.

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23 At all times herein mentioned, SHAW was and is presently licensed and/or has
24 license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and
25 Professions Code (the Code), by the Bureau of Real Estate (the Bureau) as a real estate broker
26 doing business as Susanville Real Estate.

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2 At all times herein mentioned, WESTBROOK was licensed as a real estate
3 salesperson, and was working for SHAW.

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5 At all times mentioned, RESPONDENTS engaged in the business of, acted in the
6 capacity of, advertised or assumed to act as a real estate broker in the State of California, within
7 the meaning of Section 10131(a) of the Code, including the operation and conduct of a
8 residential resale brokerage wherein RESPONDENTS bought, sold, or offered to buy or sell,
9 solicited or obtained listings of, and negotiated the purchase, sale or exchange of real property or
10 business opportunities, all for or in expectation of compensation.

11 5

12 On or about July 3, 2015, Karen R. and William R. (Buyers) agreed with
13 WESTBROOK to have her represent Buyers in their efforts to purchase a property.

14 6

15 On or about July 8, 2015, WESTBROOK, acting on behalf of SHAW, and in the
16 capacity as principals representing themselves, submitted an offer to purchase that certain real
17 property commonly known as 690-695 Lakeside Drive, Susanville, California (Lakeside
18 Property), to buyers' real estate broker. The offer included a purchase price of \$66,000.00, a
19 \$1,000.00 deposit, with a close of escrow date of August 8, 2015.

20 7

21 On or about July 10, 2015, Respondent received a counter offer from sellers of the
22 Lakeside Property. The terms of the counter offer included a purchase price of \$64,000.00, a
23 \$6,400.00 deposit, with a close of escrow date of July 30, 2015. This counter offer was subject
24 to further review by Sellers.

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On July 12, 2015, Buyers met with WESTBROOK to view the Lakeside Property again. After viewing the property, Buyers made another offer to purchase the Lakeside Property, which included a purchase price of \$70,000.00, a \$7,000.00 deposit, and close of escrow date of August 12, 2015.

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On July 13, 2015 at 1:29 PM, Sellers rejected Buyers offer which is set forth above, in Paragraph 8.

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On July 13, 2015, at 2:12 PM, Sellers real estate broker sent RESPONDENTS an email that set forth details to include in another offer to purchase the Lakeside Property, as well as attachments.

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On July 13, 2015, between 2:12 PM and 2:36 PM, RESPONDENTS, using the information contained in the email described above, in Paragraph 10, made another offer, on behalf of themselves, to purchase the Lakeside Property. This offer was accepted by Sellers and a Real Estate Purchase Agreement was signed by Sellers at or around 2:36 PM on July 13, 2015.

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RESPONDENTS failed to forward or communicate the substance of the July 13, 2015, 2:12 PM email described in Paragraph 10, above, to Buyers.

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On or about July 30, 2015, Escrow closed on the Lakeside Property purchase, with RESPONDENTS as the buyers.


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The facts alleged above violate Section 10176(a) (substantial misrepresentation, 10176(i) (other conduct: fraud or dishonest dealing and 10177(j) (fraud/dishonest dealing) of the Code and are grounds for the suspension or revocation of the licenses and license rights of

1 RESPONDENTS under Sections 10176(a), 10176(i), 10177(d) (violate real estate law) and
2 10177(j) of the Code.

4 Section 10106 of the Code provides, in pertinent part, that in any order issued in
5 resolution of a disciplinary proceeding before the Bureau, the commissioner may request the
6 administrative law judge to direct a licensee found to have committed a violation of this part to
7 pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.
8

9 WHEREFORE, Complainant prays that a hearing be conducted on the allegations
10 of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary
11 action against all licenses and license rights of Respondent under the Code, for the reasonable
12 costs of investigation and prosecution of this case, including agency attorney's fees, and for such
13 other and further relief as may be proper under other provisions of law.

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15 _____
16 TRICIA D. PARKHURST
Supervising Special Investigator

17 Dated at Sacramento, California,
18 this 9th day of January, 2017.
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