

Flay

FILED

MAY 14 2019

DEPARTMENT OF REAL ESTATE

By       R. Dew      

1 TRULY SUGHRUE, Counsel  
2 State Bar No. 223266  
3 Department of Real Estate  
4 P.O. Box 137007  
5 Sacramento, CA 95813-7007

6 Telephone: (916) 576-8700  
7 (916) 576-7847 (Direct)  
8 Fax: (916) 263-3767

9 BEFORE THE DEPARTMENT OF REAL ESTATE  
10 STATE OF CALIFORNIA

11 \* \* \*

12 In the Matter of the Accusation of )  
13 FRAYBA TIPTON, )  
14 Respondent. )

No. H-6457 SAC  
FIRST AMENDED  
ACCUSATION

15 The Complainant, TRICIA D. PARKHURST, in her official capacity as a  
16 Supervising Special Investigator of the Department of Real Estate ("Department") of the State of  
17 California, brings this Accusation against Respondent FRAYBA TIPTON ("Respondent"), and  
18 is informed and alleges as follows:

19 1

20 Respondent is presently licensed and/or has license rights under the Real Estate  
21 Law (Part 1 of Division 4 of the California Business and Professions Code) ("Code") as a real  
22 estate broker.

23 2

24 On or about June 29, 2015, in the Superior Court of the State of California,  
25 County of San Joaquin, Case No. SF116279, Respondent was convicted of violating Sections  
26 550(A)(1) (Fraudulent Claim for Insurance Payment) and 118 (perjury) of the California Penal  
27 Code, crimes which bear a substantial relationship under Section 2910, Title 10, of the California  
Code of Regulations (Regulations) to the qualifications, functions or duties of a real estate



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 Department, the Commissioner may request  
5 the Administrative Law Judge to direct a licensee found to have committed a violation of this  
6 part to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the  
7 case.

8 PRIOR DISCIPLINARY ACTION

9 8

10 Effective August 20, 2012, in Case No. H-5806 SAC before the Department, the  
11 Real Estate Commissioner publicly reprovved the real estate broker license of Respondent, for  
12 violation of Section 10177(d) of the Code.

13 WHEREFORE, Complainant prays that a hearing be conducted on the allegations  
14 of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary  
15 action against all licenses and license rights of Respondent under the Code, for the cost of  
16 investigation and enforcement as permitted by law, and for such other and further relief as may  
17 be proper under the provisions of law.

18   
19 TRICIA D. PARKHURST  
20 Supervising Special Investigator

21 Dated at Sacramento, California,  
22 this 9th day of May, 2019  
23  
24  
25  
26  
27

DISCOVERY DEMAND

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

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