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FILED
AUG 12 2021
DEPARTMENT OF REAL ESTATE
By J. Taggart

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of:)
12 KEVIN CHRISTOPHER MCTAVISH,) No. H-7064 SAC
13 Respondent.) ACCUSATION
14)

15 The Complainant, TRICIA D. PARKHURST, acting in her official capacity as a
16 Supervising Special Investigator of the State of California, for this Accusation against KEVIN
17 CHRISTOPHER MCTAVISH ("Respondent"), is informed and alleges as follows:

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

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23 On or about May 18, 2020, Respondent submitted a broker renewal application to
24 the Department of Real Estate ("Department").

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In response to Question 17 of said broker renewal application to wit: "ARE THERE CRIMINAL CHARGES PENDING AGAINST YOU AT THIS TIME, OR ARE YOU CURRENTLY AWAITING JUDGMENT AND SENTENCING FOLLOWING ENTRY OF A PLEA OR JURY VERDICT? IF YES, COMPLETE ITEM 22," Respondent concealed and failed to disclose the pending charges described below in paragraph 4.

On or about October 24, 2019, in the Superior Court of the State of California, County of Santa Barbara, Case No. 19CR10178, Respondent was charged with violating Sections 245(a)(4) (assault by means of force likely to produce great bodily injury) and 273.5(a) (corporal injury to spouse/cohab/former cohabitant/child's parent) of the California Penal Code, felonies. Respondent was also charged with violating Section 135 (concealing evidence) of the California Penal Code, a misdemeanor. The charges against Respondent were disposed of on or about September 11, 2020.

On or about September 11, 2020, in the Superior Court of the State of California, County of Santa Barbara, Case No. 19CR10178, Respondent was convicted of violating Section 166(c)(1) (contempt of court) of the California Penal Code, a misdemeanor and a crime that bears a substantial relationship to the qualifications, functions or duties of a real estate licensee pursuant to Section 2910, Title 10, of the California Code of Regulations.

GROUND FOR DISCIPLINE

The facts alleged in Paragraph 3, above, constitute cause under Section 10177(a) (attempt to procure a license renewal by fraud, misrepresentation or deceit) of the Code for the suspension or revocation of all licenses and license rights of Respondent under the Real Estate Law.

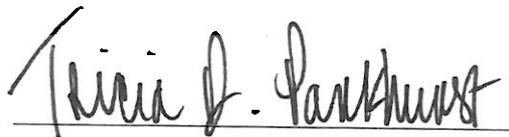
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The facts alleged in Paragraph 5, above, constitute cause under Sections 490 (conviction of substantially related crime) and 10177(b) (conviction of substantially related crime) of the Code for the suspension or revocation of all licenses and license rights of Respondent under the Real Estate Law.

COST RECOVERY

The Department will seek to recover the costs of the investigation and prosecution of this case pursuant to Section 10106 of the Code which provides, in pertinent part, that in any order issued in resolution of a disciplinary proceeding before the Department, the Commissioner may request the administrative law judge to direct a licensee found to have committed a violation of this part to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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



TRICIA D. PARKHURST

Supervising Special Investigator

Dated at Sacramento, California,
this 9th day of August, 2021.

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DISCOVERY DEMAND

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

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