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DEPARTMENT OF REAL ESTATE

By By dew

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of:

SCOTTLYNN J. HUBBARD,

Respondent.

NO. H-7202 SAC

ACCUSATION

The Complainant, TRICIA PARKHURST, in her official capacity as a Supervising Special Investigator of the State of California, Department of Real Estate ("Department"), for cause of Accusation against SCOTTLYNN J. HUBBARD ("Respondent"), is informed and alleges as follows:

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Respondent is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the Business and Professions Code ("Code"), as a real estate broker, License No. 01743834.

CRIMINAL CONVICTIONS

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On or about October 27, 2020, the Supreme Court of California, ordered that Respondent's California State Bar License No. 212970, be suspended from the practice of law in

1 California for two (2) years. The execution of the two-year period was stayed; provided,
2 however, that Respondent be placed on probation for two (2) years subject to certain terms and
3 conditions.

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5 The discipline described above in Paragraph 2 stemmed from ten (10) charges of
6 misconduct brought by the State Bar of California against Respondent. The ten charges were
7 based on misleading statements made by Respondent in two separate appeal proceedings.
8 Respondent made the misleading statements while he was representing his father, Lynn Hubbard
9 III, as an attorney before the Ninth Circuit Court and the United States Supreme Court.

10 4

11 Respondent's California State Bar Discipline was based on the following ten (10)
12 violations of the Code: (1) Three counts of violating Section 6106 (moral turpitude –
13 misrepresentation); (2) Three counts of violating Section 6068(d) (seeking to mislead a judge);
14 and (3) Three counts of violating Section 6068(b) (failure to maintain respect due to courts and
15 judicial officers).

- 16 • Bus. & Prof. Code § 6106: *The commission of any act involving moral turpitude,*
17 *dishonesty or corruption, whether the act is committed in the course of his relations*
18 *as an attorney or otherwise, and whether the act is a felony or misdemeanor or not,*
19 *constitutes a cause for disbarment or suspension...If the act constitutes a felony or*
20 *misdemeanor, conviction thereof in a criminal proceeding is not a condition*
21 *precedent to disbarment or suspension from practice therefor*
- 22 • Bus. & Prof. Code §6068 subd. (b) and (d): *It is the duty of an attorney to do all*
23 *of the following: (b) To maintain the respect due to the courts of justice and judicial*
24 *officers; and (d) To employ, for the purpose of maintaining the causes confided to*
25 *him or her those means only as are consistent with truth, and never to seek to*
26 *mislead the judge or any judicial officer by an artifice or false statement of fact or*
27 *law.*

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Each and every allegation made above in Paragraphs 1 through 4, inclusive, is incorporated by reference as if fully set forth herein.

The facts alleged in Paragraphs 1 through 4 constitute cause to discipline and/or revoke Respondent's real estate broker license under Section 10177(f) (had a license revoked or suspended by another agency of this state, another state, or the federal government for acts that, if done by a real estate licensee, would be grounds for the suspension or revocation of a California real estate license) of the Code. The acts described above, if done by a real estate licensee, would be grounds for suspension or revocation of a real estate licensee, under Sections 10176(a) (making a substantial misrepresentation), 10176(b) (making any false promise of character likely to influence, persuade, or induce), 10176(c) (a continued and flagrant course of misrepresentation), 10176(i) (conduct that includes fraud and/or dishonest dealings), 10177(d) (willful disregard of real estate law), 10177(g) (demonstrated negligence or incompetence in performing an act for which a license is required), and 10177(j) (fraud and/or dishonest dealings) of the Code.

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On or about January 15, 2021, Respondent's license to practice law in the State of Hawaii received a reciprocal suspension due to the disciplinary action taken by the California State Bar. Respondent was suspended from the practice of law in Hawaii for one (1) year. As a condition of reinstatement, Respondent is required to provide proof of reinstatement and good standing from the California State Bar.

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1 COST RECOVERY

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

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14 TRICIA PARKHURST
15 Supervising Special Investigator

16 Dated at Sacramento, California,
17 this 17th day of July, 2023.

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19 DISCOVERY DEMAND

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