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DEPARTMENT OF REAL ESTATE

By PJ 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

FIRST AMENDED
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 First Amended Accusation against SCOTTLYNN J. HUBBARD
("Respondent"), is informed and alleges as follows:

1

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.

DISCIPLINE BY ANOTHER AGENCY

2

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.

4 3

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.*

1 COST RECOVERY

2 8

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 First Amended Accusation and that upon proof thereof, a decision be
10 rendered imposing disciplinary action against all licenses and license rights of Respondent
11 under the Code, and for such other and further relief, including reasonable investigation and
12 enforcement costs, as may be proper under the provisions of law.

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14 
15 TRICIA PARKHURST
16 Supervising Special Investigator

17 Dated at Sacramento, California,
18 this 18th day of March, 2024.

19
20 DISCOVERY DEMAND

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