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**FILED**  
SEP 16 2024  
DEPARTMENT OF REAL ESTATE  
By J. Haggart

7  
8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )  
12 TROY ANDREW ATTWELL, )  
13 Respondent. )

No. H-7385 SAC  
ACCUSATION

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15 The Complainant, HEATHER NISHIMURA, a Supervising Special Investigator  
16 of the State of California, for cause of Accusation against TROY ANDREW ATTWELL  
17 (Respondent), is informed and alleges as follows:

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19 Complainant makes this Accusation against Respondent in her official capacity.

20 2

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

24 3

25 On or about August 11, 2023, in the Superior Court of the State of California,  
26 County of El Dorado, Case No. P21CRM0809, Respondent was convicted of violating Section  
27 23152(A) of the California Vehicle Code (driving under the influence of alcohol or a drug),

1 Section 23152(B) of the California Vehicle Code (DUI with BAL above .08) and Section  
2 273A(B) of the California Penal Code (willful cruelty to a child), all misdemeanors and crimes  
3 which bear a substantial relationship under Section 2910, Title 10, California Code of  
4 Regulations, to the qualifications, functions, or duties of a real estate licensee.

5 4

6 The facts alleged in Paragraph 3, above, constitute cause under Sections 490 and  
7 10177(b) (conviction of substantially related crime) of the Code for suspension or revocation of  
8 Respondent's license under the Real Estate Law.

9 MATTERS IN AGGRAVATION

10 5

11 On or about September 16, 2008, in the Superior Court of the State of California,  
12 County of Placer, Case No. 62-82683, Respondent was convicted of violating Section 23152(B)  
13 of the California Vehicle Code, a misdemeanor.

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15 On or about December 26, 2001, in the Superior Court of the State of California,  
16 County of Alameda, Case No. 34812-6, Respondent was convicted of violating Section  
17 11377(A) of the California Health and Safety Code (possession of controlled substance), a  
18 misdemeanor.

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20 On or about May 21, 1998, in the Superior Court of the State of California,  
21 County of Stanislaus, Case No. 346794, Respondent was convicted of violating Section 484 of  
22 the California Penal Code (petty theft), a misdemeanor.

23 8

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

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

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9                   HEATHER NISHIMURA

10                  Supervising Special Investigator

11                  Dated at Sacramento, California

12                  this 11<sup>th</sup> day of Sept. 2024.

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14  
15                                   DISCOVERY DEMAND

16  
17                  The Department of Real Estate hereby requests discovery pursuant to Section  
18 11507.6 of the California Government Code. Failure to provide discovery to the Department  
19 may result in the exclusion of witnesses and/or documents at the hearing, and other sanctions as  
20 the Administrative Law Judge deems appropriate.