

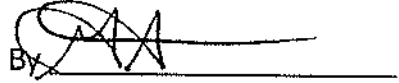
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FILED

October 17, 2012

1 RICHARD K. UNO, Counsel (SBN 98275)
2 Department of Real Estate
3 P.O. Box 187007
Sacramento, CA 95818-7007

DEPARTMENT OF REAL ESTATE

4 Telephone: (916) 227-0789
5 (916) 227-2380 (Direct)
6
7

By 

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 TONY DE VOLO BAYARD,) H-11471 SF
13 Respondent.) ACCUSATION
14 _____)

15 The Complainant, ROBIN S. TANNER, a Deputy Real Estate Commissioner of
16 the State of California, for cause of Accusation against TONY DE VOLO BAYARD,
17 (Respondent), is informed and alleges as follows:

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

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

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On or about July 16, 2012, in The Supreme Court of the State of California, Case No. S201832, the Court ordered that Respondent be suspended from the practice of law for one year, with a stay of execution, placed him on two years probation with conditions, including actual suspension of ninety days.

On March 7, 2012, before the State Bar Court of California, Case No. 10-O-09257, which consolidated cases Nos. 10-O-10543, 10-O-10684, 10-O-10921, 11-O-16158 and 11-O-19461, the Court approved an order on stipulations regarding facts, conclusions of law and disposition. In the conclusions of law, the Court found that Respondent, in handling loan modifications, on four counts, violated Rule 3-110(A) (Failure to Perform With Competence), by failing to perform legal services, delegating non-attorneys to perform legal duties and the unauthorized withdrawal of client trust funds. The Court also found that Respondent, in two counts, violated Rule 4-400(B) (Limiting Liability to Client), by settling claims with clients without advising them that they could seek independent counsel.

The facts alleged in Paragraphs 3 and 4, above, constitute cause under Section 10177(f) of the Code for suspension or revocation of Respondent's license under the Real Estate Law.

Section 10106 of the Code 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.

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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, and for such other
4 relief that may be proper under provisions of law.

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8 ROBIN S. TANNER
9 Deputy Real Estate Commissioner

10 Dated at Oakland California

11 this 11th day of OCTOBER, 2012.