

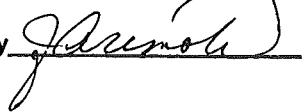
1 RICHARD K. UNO, Counsel III, SBN 98275
2 Bureau of Real Estate
3 P. O. Box 137007
4 Sacramento, CA 95813-7007

5 Telephone: (916) 263-8670
6 (916) 263-3767 (Fax)
7 (916) 263-8679 (Direct)

FILED

JAN 22 2014

BUREAU OF REAL ESTATE

By 

8
9 BEFORE THE BUREAU OF REAL ESTATE

10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of)

13 DUANE LYNN TUCKER,)

14 Respondent.)

No. H- 11641 SF

ACCUSATION

15
16 The Complainant, ROBIN S. TANNER, acting in her official capacity as a
17 Deputy Real Estate Commissioner of the State of California, for cause of Accusation against
18 DUANE LYNN TUCKER (Respondent), is informed and alleges as follows:

19 1

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

22 2

23 On or about September 11, 2013, the Supreme Court of the State of California,
24 Case No. S 199050, amended its previous Order which disbarred Respondent, to order
25 restitution to four of Respondent's victims.

26 ///

27 ///

1
2 On or about January 11, 2013, the State Bar Court, in five separate cases, found
3 that in Case No.:

4 09-O-17390 (Daly), Respondent violated Rules of Professional Responsibility
5 (Rule), No. 4-200 (A) (Illegal Fee);

6 10-O-03276 (Herrera), Respondent violated Rule No. 3-700 (D) (2), (Failure to
7 Refund Unearned Fees) and Rule No. 4-100 (B) (4), (Failure to Properly Pay Client Funds);

8 10-O-07140 (Helmer), Respondent violated Rule No. 3-700 (D) (2);

9 10-O-09824 (Tatman), Respondent violated rule No. 3-700 (D) (2) and Section
10 6103 (Failure to Obey Court Order); and,

11 10-O-11310 (Solis), Respondent violated Rule No. 3-110 (A) (Failure to Perform
12 Legal Services with Competence), Section No. 6068 (m), (Failure to Communicate) and Rule 3-
13 700 (D) (2).

14 The Court cited prior discipline in Cases Nos. 90-O-15673 and S-056070, by the
15 State Bar as a factor in aggravation.

4

16
17 The facts alleged above, in Paragraphs 2 and 3, constitute grounds under
18 Sections 490 and 10177(f) of the Code for suspension or revocation of all licenses and license
19 rights of Respondent under Part 1 of Division 4 of the Code.

5

20
21 A diligent search was made of the records of the Bureau of Real Estate (Bureau),
22 relating to Respondent's Real Estate Broker License. As a result of said search, no written
23 record was discovered of Respondent notifying the Bureau of any administrative discipline.

6

24
25 The facts alleged above, in Paragraphs 3 and 4, constitute violations of Section
26 10186.2 (Failure to Report in Writing, Conviction within 30 days) of the Code, and are grounds


27 ///

1 for the suspension or revocation of all licenses and license rights of Respondent under Section
2 10177(d) of the Code.

3 7

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

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

13
14
15 

16 ROBIN S. TANNER
17 Deputy Real Estate Commissioner

18 Dated at Oakland, California, on
19 this 6th day of January, 2014.
20
21
22
23
24
25
26
27