

FILED

MAY 12 2014

BUREAU OF REAL ESTATE

By *L. Jones*

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of

DUANE LYNN TUCKER,

Respondent.

No. H-11641 SF

DECISION

This Decision is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on April 23, 2014, and the findings of fact set forth herein, which are based on one or more of the following: (1) Respondent's express admissions; (2) affidavits; and (3) other evidence.

This Decision revokes a real estate license on grounds of administrative discipline of a license.

The right to reinstatement of a revoked real estate license is controlled by Section 11522 of the Government Code. A copy of Section 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of Respondent.

FINDINGS OF FACT

1

On January 6, 2014, Robin S. Tanner made the Accusation in her official capacity as a Deputy Real Estate Commissioner of the State of California. The Accusation, Statement to Respondent, and Notice of Defense were mailed, by regular and certified mail, return receipt requested, to Respondent's last known mailing address on file with the Bureau on January 22, 2014.

On April 23, 2014, no Notice of Defense having been received or filed herein within the time prescribed by Section 11506 of the Government Code, Respondent's default was entered herein.

2

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

3

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

4

On or about January 11, 2013, the State Bar Court found that in Case Nos.:

09-O-17390 (Daly) - Respondent violated Rules of Professional Responsibility (Rule), No. 4-200(A) (illegal fee).

10-O-03276 (Herrera) - Respondent violated Rule No. 3-700(D)(2), (failure to refund unearned fees) and Rule No. 4-100(B)(4), (failure to properly pay client funds).

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

10-O-09824 (Tatman) - Respondent violated rule No. 3-700(D)(2) and Section 6103 (failure to obey court order).

10-O-11310 (Solis) - Respondent violated Rule No. 3-110(A) (failure to perform legal services with competence), Section No. 6068(m), (failure to communicate) and Rule 3-700 (D)(2).

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

5

A diligent search was made of the records of the Bureau of Real Estate (Bureau), relating to Respondent's Real Estate Salesperson License No. 01725138. As a result of said search, no record was discovered of Respondent notifying the Bureau of any license disciplinary action.

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DETERMINATION OF ISSUES

1

Cause for disciplinary action against Respondent exists with reference to the convictions set out in Paragraphs 3 and 4, above, pursuant to Business and Professions Code Section 10177(f).

2

The facts alleged in Paragraph 5, above, indicate Respondent's failure to comply with Sections 10186.2 (failure to report in writing to the Bureau of administrative discipline against Respondent within 30 days) of the Code, and constitutes cause under Section 10177(d) (willful disregard or violation of the Real Estate Law) for revocation of all licenses and license rights of Respondent under said Real Estate Law.

3

The standard of proof applied was clear and convincing proof to a reasonable certainty.

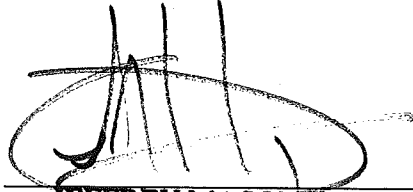
ORDER

All licenses and licensing rights of Respondent DUANE LYNN TUCKER, under the provisions of Part I of Division 4 of the Business and Professions Code, are revoked.

This Decision shall become effective at 12 o'clock noon on JUN 02 2014.

DATED: MAY 06 2014

REAL ESTATE COMMISSIONER



JEFFREY MASON
Chief Deputy Commissioner

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BUREAU OF REAL ESTATE
By *[Signature]*

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STATE OF CALIFORNIA

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DUANE LYNN TUCKER,

Respondent.

No. H-11641 SF
DEFAULT ORDER

Respondent, DUANE LYNN TUCKER, having failed to file a Notice of Defense within the time required by Section 11506 of the Government Code, is now in default. It is, therefore, ordered that a default be entered on the record in this matter.

IT IS SO ORDERED APRIL 23, 2014

REAL ESTATE COMMISSIONER

By: *Joe M. Carrillo*
JOE M. CARRILLO
Northern Area Regional Manager