

**FILED**

MAR 19 2015

BUREAU OF REAL ESTATE

By S. Black

1 RICHARD K. UNO, Counsel III, SBN 98275  
 Bureau of Real Estate  
 2 P. O. Box 137007  
 Sacramento, CA 95813-7007  
 3 Telephone: (916) 263-8670  
 4 (916) 263-3767(Fax)  
 5 (916) 263-8679(Direct)

6  
 7  
 8  
 9 BEFORE THE BUREAU OF REAL ESTATE  
 10 STATE OF CALIFORNIA

11 \* \* \*

12 In the Matter of the Accusation of )  
 13 JAMES CARL PROVOST, )  
 14 Respondent. )

No. H-11827 SF  
ACCUSATION

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

20 1

21 At all times herein mentioned, Respondent was and is presently licensed and/or  
 22 has license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and  
 23 Professions Code (Code) by the Bureau of Real Estate (Bureau) as a real estate broker.

24 2

25 On or about August 25, 2014, in the Superior Court of the State of California,  
 26 County of Sonoma, Case No. SCR 641224, Respondent was convicted of violating Section  
 27 247(b) of the California Penal Code (willfully, unlawfully discharge firearm at unoccupied

1 vehicle), a felony and a crime which bears a substantial relationship under Section 2910, Title  
2 10, of the California Code of Regulations (Regulations) to the qualifications, functions or duties  
3 of a real estate licensee.

4 3

5 On or about April 9, 2012, in the Superior Court of the State of California,  
6 County of Sonoma, Case No. SCR 610561, Respondent was convicted of violating Section  
7 23152(b) of the California Vehicle Code (driving under the influence of alcohol or a drug), a  
8 misdemeanor and a crime which bears a substantial relationship under Section 2910 of the  
9 Regulations to the qualifications, functions or duties of a real estate licensee.

10 4

11 The facts alleged above, in Paragraphs 2 and 3, constitute grounds under  
12 Sections 490 and 10177(b) of the Code for suspension or revocation of all licenses and license  
13 rights of Respondent under Part 1 of Division 4 of the Code.

14 5

15 A diligent search was made of the records of the Bureau of Real Estate (Bureau),  
16 relating to Respondent's Real Estate Broker License. As a result of said search, no written  
17 record was discovered of Respondent notifying the Bureau of any conviction.

18 6

19 The facts alleged above, in Paragraphs 2, 3 and 5, constitute a violation of  
20 Section 10186.2 (failure to report in writing, conviction within 30 days) of the Code, and are  
21 grounds for the suspension or revocation of all licenses and license rights of Respondent under  
22 Section 10177(d) of the Code.

23 7

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  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

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

  
\_\_\_\_\_  
ROBIN S. TANNER  
Deputy Real Estate Commissioner

Dated at Oakland, California, on  
this 17<sup>th</sup> day of March, 2015.