

APR 08 2017

BUREAU OF REAL ESTATE

By M Roberts

KYLE T. JONES, Counsel (SBN 300751)  
Bureau of Real Estate  
P.O. BOX 137007  
Sacramento, CA 95813-7007

Telephone: (916) 263-8670  
(916) 263-3767 (Fax)  
(916) 263-7303 (Direct)

## BEFORE THE BUREAU OF REAL ESTATE

## STATE OF CALIFORNIA

\*\*\*

|                                     |   |                   |
|-------------------------------------|---|-------------------|
| In the Matter of the Application of | ) |                   |
|                                     | ) | NO. H-12069-SF    |
| LINDSAY MICHELLE SMITH,             | ) |                   |
|                                     | ) | <u>ACCUSATION</u> |
| Respondent.                         | ) |                   |
|                                     | ) |                   |

The Complainant, ROBIN S. TANNER, acting in her official capacity as a Supervising Special Investigator of the State of California, for this Accusation against LINDSAY MICHELLE SMITH ("Respondent"), is informed and alleges as follows:

1

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

2

On or about February 25, 2016, in the Superior Court of the State of California, County of Sonoma, case No. SCR-669193, Respondent was convicted of violating Section 273.5 (a) of the California Penal Code (inflict corporal injury to spouse/cohabitant), a misdemeanor and a crime that bears a substantial relationship to the qualifications, functions or duties of a real estate licensee pursuant to Section 2910, Title 10, of the California Code of Regulations.

On November 22, 2016, a diligent search was made of the records of the Bureau of Real Estate ("Bureau") relating to Respondent's real estate salesperson license No. 01974845. No record or written notice was received from Respondent notifying the Bureau, in writing, of any arrest, conviction, indictment or license disciplinary action.

The facts alleged in Paragraph 2, above, constitute cause under Sections 490 (conviction of crime) and 10177(b) (conviction of crime substantially related to the qualifications, functions or duties of a real estate licensee) of the Code for the suspension or revocation of all licenses and license rights of Respondent under the Real Estate Law.

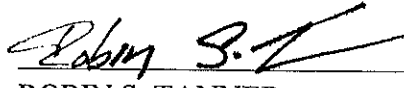
Respondent's failure to report the conviction to the Bureau, as described in paragraphs 2 and 3, violates Section 10186.2 (a) (conviction reporting requirements) of the Code, and constitutes cause under Sections 10177(d) (willful disregard or violation of Real Estate Law) and 10186.2 (b) (failure to report) of the Code for the suspension or revocation of all licenses and license rights of Respondent under the Real Estate Law.

#### COST RECOVERY

The Bureau will seek to recover cost of the investigation and prosecution of this case pursuant to section 10106 of the Code which provides, in pertinent part, that in any order issued in resolution of a disciplinary proceeding before the Bureau, 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.

WHEREFORE, the Complainant prays that the above-entitled matter be set for hearing and, upon proof of the charges contained herein, that the Commissioner refuse to authorize the issuance of, and deny the issuance of, a real estate salesperson/broker license to

1 Respondent, and for such other and further relief as may be proper under applicable provisions of  
2 law.

3   
4 ROBIN-S. TANNER  
5 Supervising Special Investigator

6 Dated at Oakland, California,  
7 this 5<sup>th</sup> day of April, 2017.  
8  
9

10 DISCOVERY DEMAND

11 Pursuant to Sections 11507.6, *et seq.* of the *Administrative Procedure Act*, the  
12 Department hereby makes demand for discovery pursuant to the guidelines set forth in the  
13 *Administrative Procedure Act*. Failure to provide Discovery to the Department may result in the  
14 exclusion of witnesses and documents at the hearing or other sanctions that the Office of  
15 Administrative Hearings deems appropriate.  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27