

**FILED**

OCT 24 2016

**BUREAU OF REAL ESTATE**

By *[Signature]*

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

10 \* \* \*

11 In the Matter of the Accusation of ) No. H40437 LA  
12 )  
ROBERT DALE MACHEN, ) ACCUSATION  
13 )  
Respondent. )  
14 )

15  
16 The Complainant, Veronica Kilpatrick, a Supervising Special Investigator of the  
17 State of California for cause of Accusation against ROBERT DALE MACHEN ("Respondent")  
18 alleges as follows:

19 1.

20 The Complainant, Veronica Kilpatrick, a Supervising Special Investigator of the  
21 State of California, makes this Accusation in her official capacity.

22 2.

23 Respondent is presently licensed and/or has license rights under the Real Estate  
24 Law, Part 1 of Division 4 of the California Business and Professions Code as a real estate  
25 broker (license no. 01258166).

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1 (COLORADO REAL ESTATE COMMISSION: LICENSE REVOCATION)

2 3.

3 On or about July 15, 2015, the Colorado Real Estate Commission, in complaint  
4 no. 2014050462, revoked Respondent's real estate broker license and ordered Respondent to  
5 pay a \$16,500 fine, with \$1,100 due within three (3) months and \$15,400 stayed, in a  
6 Stipulation and Final Agency Order. As more fully set forth in this Stipulation and Final  
7 Agency Order, this discipline was based upon the following:

8 a. Respondent demonstrated unworthiness or incompetency to act as a real  
9 estate broker by conducting business in such a manner as to endanger the interest of the public,  
10 in violation of Colorado Revised Statutes title 12, article 61, section 113(1)(n);

11 b. Respondent failed to maintain possession, for future use or inspection by  
12 an authorized representative of the Director, for a period of four years, documents prescribed by  
13 the rules and regulations of the commission or to produce such documents or records upon  
14 reasonable request by the Commission or authorized representative of the Commission, in  
15 violation of Colorado Revised Statutes title 12, article 61, section 113(1)(i);

16 c. Respondent disregarded or violated any provision of the Real Estate  
17 Broker License Law or Commissioner rule or regulations; violated a Stipulation and Final  
18 Agency Order, Cease and Desist Order, or other lawful Commission order; or aided and abetted  
19 a violation of any rule, Commission order, rule or regulation, or provision of this part 1 or part  
20 8 of this article, in violation of Colorado Revised Statutes title 12, article 61, section 113(1)(k);

21 d. Respondent failed to perform the terms of the written agreement made  
22 with a seller or landlord, in violation of Colorado Revised Statutes title 12, article 61, section  
23 804(1)(a);

24 e. Respondent failed to disclose in writing to the party to be assisted that  
25 the broker is intending to establish a single agency relationship, in violation of Colorado  
26 Revised Statutes title 12, article 61, section 808(2)(b);

27 f. Respondent did not have in effect a policy of errors and omissions

1 insurance to cover all acts requiring a license, in violation of Commission Rule D-14; and

2 g. Respondent performed acts that would constitute the brokering of real  
3 estate while his license was inactive, suspended, revoked, or expired, in violation of  
4 Commissioner Rule E-44.

5 4.

6 This prior license action against Respondent as alleged in Paragraph 3, above,  
7 constitute cause for discipline of Respondent's real estate license under California Business and  
8 Professions Code sections 10177(f).

9  
10 (FAILURE TO REPORT REAL ESTATE LICENSE DISCIPLINE)

11 5.

12 As of April 19, 2016, Respondent has failed to report his Colorado real estate  
13 license discipline, as described in Paragraph 3, above, to the California Bureau of Real Estate.

14 6.

15 Respondent's failure to report his Colorado real estate license discipline, as  
16 described above, constitutes cause under California Business and Professions Code sections  
17 10186.2 for the suspension or revocation of the license and license rights of Respondent under  
18 the Real Estate Law.

19  
20 (COSTS)

21 7.

22 California Business and Professions Code section 10106 provides, in pertinent  
23 part, that in any order issued in resolution of a disciplinary proceeding before the bureau, the  
24 Commissioner may request the administrative law judge to direct a licensee found to have  
25 committed a violation of this part to pay a sum not to exceed the reasonable costs of  
26 investigation and enforcement of the case.

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1                   WHEREFORE, Complainant prays that a hearing be conducted on the  
2 allegations of this Accusation and that upon proof thereof, a decision be rendered imposing  
3 disciplinary action against all licenses and/or license rights under the Real Estate Law (Part 1 of  
4 Division 4 of the California Business and Professions Code) of Respondent ROBERT DALE  
5 MACHEN for the cost of investigation and enforcement as permitted by law, and for such other  
6 and further relief as may be proper under applicable provisions of law.

7                   Dated at Los Angeles, California: October 14, 2016.

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9                     
10                  Veronica Kilpatrick  
11                  Supervising Special Investigator

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25   cc:   ROBERT DALE MACHEN  
26        Veronica Kilpatrick  
27        Sacto.