

FILED

AUG - 6 2020

DEPT. OF REAL ESTATE

Caro Salas

1 ANDREA BENTLER, Counsel (SBN 319369)

2 Department of Real Estate

3 320 West 4th Street, Suite 350

4 Los Angeles, California 90013-1105

5 Telephone: (213) 576-6982

6 Direct: (213) 576-6904

7 Fax: (213) 576-6917

8 Attorney for Complainant

9 BEFORE THE DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of)

No. H-41514 LA

13 CLARA CECILIA HORNE,)

ACCUSATION

14 Respondent.)

15 _____)
16 The Complainant, Veronica Kilpatrick, a Supervising Special Investigator of the
17 State of California, for cause of Accusation against CLARA CECILIA HORNE, also known as
18 Clara Horne ("Respondent"), 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 presently has license rights under the Real Estate Law, Part 1 of
24 Division 4 of the California Business and Professions Code ("Code"), as a real estate
25 salesperson (License ID 01968124). Respondent's license is scheduled to expire on April 26,
26 2023.

27 //

1 FIRST CAUSE OF ACCUSATION

2 (CRIMINAL CONVICTIONS)

3 3.

4 On or about December 10, 2018, in the Superior Court of California, County of
5 Riverside, Case No. INM1806636, Respondent was convicted on a plea of guilty for violation
6 of Vehicle Code section 23153(a) (driving under the influence causing injury) and violation of
7 Vehicle Code section 23553(b) (driving with a blood alcohol content of .08% or higher causing
8 injury), both misdemeanors, with enhancements for violation of Vehicle Code section 23578
9 (refusal to take a chemical test), and for two violations of Vehicle Code section 23558 (cause of
10 great bodily injury to victim). Respondent was placed on summary probation for 36 months, on
11 certain terms and conditions, including, in part, commitment to the Custody of the Riverside
12 County Sheriff for 60 days, with credit for time served of 2 actual days plus 2 days pursuant to
13 Penal Code section 4019 for a total of 4 days, and with Respondent to serve the balance of 56
14 days in the Work Release Program, performing 500 hours of community service, installing an
15 ignition interlock device in each vehicle Respondent owns and maintaining for 12 months,
16 completion of a 9 month first offender DUI program, completion of 90 days in the Continuous
17 Alcohol Monitoring program, completion of the Mothers Against Drunk Driving Victim Impact
18 Panel, refraining from consuming alcoholic beverages, payment of victim restitution, and
19 payment of fines, fees, and an assessment.

20 4.

21 The convictions, as described in Paragraph 3 above, bear a substantial
22 relationship under Section 2910, Title 10, Chapter 6, California Code of Regulations to the
23 qualifications, functions or duties of a real estate licensee.

24 5.

25 The crimes of which Respondent was convicted, as described in Paragraph 3
26 above, constitute cause under Sections 490 and 10177(b) of the Code for the suspension or
27 revocation of the license and license rights of Respondent under the Real Estate Law.

ACCUSATION

1 SECOND CAUSE OF ACCUSATION
2 (FAILURE TO REPORT CONVICTIONS)

3 6.

4 Pursuant to Section 10186.2 of the Code, a licensee shall report, in writing, "the
5 conviction of the licensee, including any verdict of guilty, or plea of guilty or no contest, of any
6 felony or misdemeanor" to the Department of Real Estate ("Department") within thirty (30)
7 days of the conviction. Respondent failed to report in writing to the Department the convictions
8 described in Paragraph 3 above, within thirty (30) days of the conviction date.

9 7.

10 Respondent's failure to timely report the convictions constitute cause under
11 Section 10186.2 of the Code for the suspension or revocation of the license and license rights of
12 Respondent under the Real Estate Law.

13 THIRD CAUSE OF ACCUSATION
14 (FAILURE TO DISCLOSE CONVICTIONS)

15 8.

16 On or about April 23, 2019, Respondent submitted a Salesperson Renewal
17 Application. In response to Question 13, under "BACKGROUND INFORMATION," of
18 Respondent's license renewal application, to wit, "WITHIN THE SIX-YEAR PERIOD PRIOR
19 TO FILING THIS APPLICATION, HAVE YOU EVER BEEN CONVICTED (SEE
20 PARAGRAPH ON PAGE 1) OF ANY VIOLATION OF THE LAW AT THE
21 MISDEMEANOR OR FELONY LEVEL? IF YES, COMPLETE ITEM 19 WITH
22 INFORMATION ON EACH CONVICTION," Respondent marked "NO" and failed to
23 disclose the convictions as alleged in Paragraph 3 above in Item 19 of the license renewal
24 application.

25 9.

26 Respondent's failure to disclose the convictions, as set forth in Paragraph 3
27 above, in her license renewal application constitutes an attempt to procure a real estate license

ACCUSATION

1 by fraud, misrepresentation, or deceit, or by making a material misstatement of fact in an
2 application, which is grounds for denial of the issuance of a license under California Business
3 and Professions Code Section 10177(a).

4 (COSTS OF INVESTIGATION AND ENFORCEMENT)

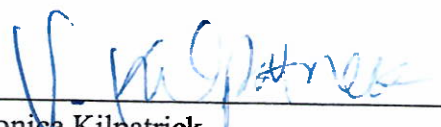
5 10.

6 California Business and Professions Code section 10106, provides, in pertinent
7 part, that in any order issued in resolution of a disciplinary proceeding before the Bureau of
8 Real Estate, the Commissioner may request the administrative law judge to direct a licensee
9 found to have committed a violation of this part to pay a sum not to exceed the reasonable costs
10 of the investigation and enforcement of the case.

11 * * *

12 WHEREFORE, Complainant prays that a hearing be conducted on the
13 allegations of this Accusation and that upon proof thereof, a decision be rendered imposing
14 disciplinary action against all the licenses and license rights of Respondent CLARA CECILIA
15 HORNE under the Real Estate Law, for the costs of investigation and enforcement as permitted
16 by law, and for such other and further relief as may be proper under other applicable provisions
17 of law.

18
19 Dated at San Diego, California this 29 day of July, 2019-2020

20
21
22 
23 Veronica Kilpatrick
24 Supervising Special Investigator

25 cc: CLARA CECILIA HORNE
26 Coldwell Banker Residential Brokerage Company
27 Veronica Kilpatrick
Sacto.