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MAR 13 2020

DEPT. OF REAL ESTATE

By *Cal Yellow*

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BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation against ) DRE No. H-41634 LA  
)  
STUART M. PRICE, )  
) ACCUSATION  
)  
Respondent. )

The Complainant, Veronica Kilpatrick, a Supervising Special Investigator for the Department of Real Estate<sup>1</sup> ("Department") of the State of California, for cause of Accusation against STUART M. PRICE ("Respondent"), is informed and alleges as follows:

1. The Complainant, Veronica Kilpatrick, a Supervising Special Investigator for the Department, makes this Accusation in her official capacity.

2. All references to the "Code" are to the California Business and Professions Code, all references to the "Real Estate Law" are to Part 1 of Division 4 of the Code, and all references to "Regulations" are to California Code of Regulations, Title 10, Chapter 6.

<sup>1</sup> Between July 1, 2013 and July 1, 2018, the Department of Real Estate operated as the Bureau of Real Estate under the Department of Consumer Affairs.

1           3. Respondent is presently licensed and/or has license rights under the Real Estate Law  
2 (Part 1 of Division 4 of the Code).

3           4. From November 1, 1996 through the present, Respondent has been licensed by the  
4 Department as a real estate broker, License ID 01215120. Respondent's license is scheduled to  
5 expire on October 31, 2020. Respondent has renewal rights pursuant to Code section 10201.  
6 The Department retains jurisdiction pursuant to Code section 10103.

7           5. Respondent was admitted to practice law in the State of California on December 4,  
8 1990.

9           6. On August 2, 2018, the State Bar of California filed a Notice of Disciplinary Charges  
10 against Respondent in Case No. 17-O-06877. The charges included allegations that Respondent  
11 maintained an unjust action, presented unwarranted claims in litigation that were not supported  
12 by the facts, and made misrepresentations in motions. The underlying litigation resulted in  
13 sanctions imposed against Respondent.

14           7. Respondent filed a response to the Notice of Disciplinary Charges on or about  
15 September 4, 2018.

16           8. On or about December 17, 2018, Respondent entered into a Stipulation re Facts,  
17 Conclusions of Law and Disposition wherein Respondent admitted to various facts including,  
18 but not limited to, making a motion to the court which contained multiple misrepresentations  
19 and multiple acts of wrongdoing. Respondent was held in violation of Code section 6068(c)  
20 and rule 3-110(A) of the former Rules of Professional Conduct.

21           9. On or about April 10, 2019, Respondent was suspended from the practice of law for  
22 one year, execution of the suspension was stayed, and Respondent was placed on probation for  
23 two years with an actual suspension for the first 30 days of probation. Respondent was ordered  
24 to comply with other terms of probation and ordered to pay costs.

1 CAUSE OF ACCUSATION

2 10. Code section 10177, subdivision (f), provides that the Real Estate Commissioner  
3 may suspend or revoke the license of a real estate licensee if a licensee has acted or conducted  
4 himself in a manner that would have warranted the denial of his application for a license, or  
5 either had a license denied or had a license issued by another agency of this state revoked or  
6 suspended for acts that, if done by a real estate licensee, would be grounds for the suspension or  
7 revocation of a California real estate license, if the action of denial, revocation, or suspension by  
8 the other agency was taken only after giving the licensee or applicant fair notice of the charges,  
9 an opportunity for a hearing, and other due process protections comparable to the  
10 Administrative Procedure Act, and only upon an express finding of a violation of law by the  
11 agency or entity.

12 11. Respondent's acts, as described above in Paragraphs 6 through 9, if done by a real  
13 estate licensee, would be grounds for the suspension or revocation of a real estate license  
14 pursuant to Code sections 10176, subdivision (a), and/or 10177, subdivision (j).

15 12. The suspension of Respondent's license to practice law constitutes cause for the  
16 suspension or revocation of Respondent's real estate license and license rights pursuant to Code  
17 section 10177, subdivision (f).

18 IN AGGRAVATION

19 13. Code section 10186.2, subdivision (a)(1)(C), requires that licensees report any  
20 disciplinary action taken by another licensing entity or authority of this state or another state or  
21 an agency of the federal government. Code section 10186.2, subdivision(a)(2), requires that  
22 licensees make a report in writing to the Department within 30 days of the disciplinary action.  
23 Failure to make a report constitutes cause for discipline under Code section 10186.2,  
24 subdivision (b).

1 14. On April 10, 2019, an Order suspending Respondent's license to practice law was  
2 issued in Supreme Court Case No. S253917. Respondent notified the Department of the  
3 suspension on or about June 4, 2019.

4 COST RECOVERY

5 15. Code Section 10106 provides, in pertinent part, that in any order issued in resolution  
6 of a disciplinary proceeding before the Department, the Commissioner may request the  
7 Administrative Law Judge to direct a licensee found to have committed a violation of this part  
8 to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

9 WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this  
10 Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action  
11 against all licenses and license rights of Respondent under the Real Estate Law (Part 1 of  
12 Division 4 of the Business and Professions Code), for the cost of investigation and enforcement  
13 as permitted by law, and for such other and further relief as may be proper under other  
14 provisions of law.

15 Dated at San Diego, California this 04 day of March, 2020.

16  
17   
18 VERONICA KILPATRICK  
19 Supervising Special Investigator

20 cc: Stuart M. Price  
21 Veronica Kilpatrick  
22 Sacto.  
23  
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