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MAR 17 2020

DEPT. OF REAL ESTATE
By: *all Selous*

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8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation against) DRE No. H-41638 LA
12)
LINDA JEAN BRECHTEL,)
13) ACCUSATION
Respondent.)
14)

15 The Complainant, Maria Suarez, a Supervising Special Investigator for the Department
16 of Real Estate¹ (“Department”) of the State of California, for cause of Accusation against
17 LINDA JEAN BRECHTEL (“Respondent”), is informed and alleges as follows:

18 1. The Complainant, Maria Suarez, a Supervising Special Investigator for the
19 Department, makes this Accusation in her official capacity.

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

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24 ¹ 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 October 9, 1991 through the present, Respondent has been licensed by the
4 Department as a real estate salesperson, License ID 01122456. Respondent's license is
5 scheduled to expire on October 8, 2023. Respondent has renewal rights pursuant to Code
6 section 10201. The Department retains jurisdiction pursuant to Code section 10103.

7 CAUSES OF ACCUSATION

8 2017 Conviction

9 5. On or about October 11, 2018, before the Superior Court of California, County of
10 Riverside, in Case No. INM1707234, Respondent pled guilty to and was convicted of violating
11 Vehicle Code section 23153(b) (drive with .08 percent or more, by weight, of alcohol in blood
12 and causing bodily injury to another), a misdemeanor, with an enhancement under Vehicle
13 Code 23558 for causing bodily injury to an additional victim.

14 6. The conviction alleged above in Paragraph 5, and the circumstances surrounding said
15 conviction, bear a substantial relationship to the qualifications, functions or duties of a real
16 estate licensee under Section 2910 of the Regulations of the Real Estate Commissioner, Title
17 10, Chapter 6, California Code of Regulations.

18 7. Respondent's 2018 misdemeanor conviction constitutes cause for the suspension or
19 revocation of all licenses and license rights of Respondent pursuant to Code sections 490 and
20 10177, subdivision (b).

21 Failure to Report Conviction - Code Section 10186.2

22 8. Code section 10186.2, subdivision (a)(1)(B), requires that licensees report the
23 bringing of a felony criminal complaint and felony or misdemeanor convictions. Code section
24 10186.2, subdivision (a)(2), requires that licensees make a report in writing to the Department

1 within 30 days of the bringing of the indictment, the charging of a felony, or a conviction.
2 Failure to make a report constitutes cause for discipline under Code section 10186.2,
3 subdivision (b).

4 9. On February 28, 2019, after becoming advised of Respondent's 2018 conviction, the
5 Department mailed a letter to Respondent requesting further information regarding
6 Respondent's 2018 conviction and completion of a Conviction Detail Report by March 15,
7 2019. Respondent's first report of the 2018 conviction was the Conviction Detail Report,
8 completed on March 7, 2019.

9 10. Respondent failed to provide timely, written notice to the Department of
10 Respondent's October 11, 2018 misdemeanor conviction, as described above in Paragraph 5.

11 11. Respondent's failure to provide timely written notice to the Department, pursuant to
12 Code section 10186.2, constitutes cause for the suspension or revocation of Respondent's real
13 estate salesperson license and license rights under Code section 10186.2, subdivision (b), and
14 Code section 10177, subdivisions (d) and/or (g).

15 COST RECOVERY

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

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

7 Dated at Los Angeles, California this 5th day of March, 2020.

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11 _____
12 MARIA SUAREZ
13 Supervising Special Investigator

13 cc: Linda Jean Brechtel
14 Deborah Sue Rogers
15 Maria Suarez
16 Sacto.
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