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JUL 25 2017
BUREAU OF REAL ESTATE
By B. Nicholas

8 BEFORE THE BUREAU OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) NO. H-6575 SAC
12)
13 BRIAN SCOTT TRIVETT,) ACCUSATION
14 Respondent.)

15 The Complainant, TRICIA D. PARKHURST, acting in her official capacity as a
16 Supervising Special Investigator of the State of California, for this Accusation against BRIAN
17 SCOTT TRIVETT ("Respondent"), is informed and alleges as follows:

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

22 CRIMINAL CONVICTION

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24 On or about March 7, 2017, in the Superior Court of the State of California,
25 County of Santa Clara, Case No. C1649883, Respondent was convicted of violating Section
26 242/243(e) of the California Penal Code (battery/dating relationship) and Section 166(c)(1) of the
27 California Penal Code (contempt of court- violation of protective order), misdemeanors and
crimes that bear a substantial relationship to the qualifications, functions or duties of a real estate

1 licensee pursuant to Section 2910, Title 10, of the California Code of Regulations.

2 FAILURE TO NOTIFY BUREAU OF CRIMINAL CONVICTION

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4 On June 27, 2017, a diligent search was made of the records of the Bureau of Real
5 Estate ("Bureau") relating to Respondent's real estate salesperson license No. 01802699. No
6 record or written notice was received from Respondent notifying the Bureau, in writing, of any
7 arrest, conviction, indictment or license disciplinary action.

8 GROUNDS FOR DISCIPLINE

9 4

10 The facts alleged in Paragraph 2, above, constitute cause under Sections 490
11 (conviction of substantially related crime) and 10177(b) (conviction of substantially related
12 crime) of the Code for the suspension or revocation of all licenses and license rights of
13 Respondent under the Real Estate Law.

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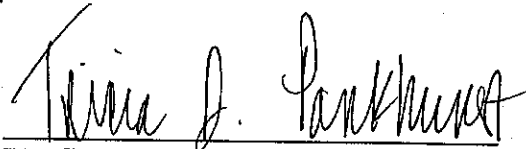
15 Respondent's failure to report the conviction to the Bureau, as described in
16 paragraphs 2 and 3, above, violates Section 10186.2 (a) (conviction reporting requirements) of
17 the Code, and constitutes cause under Section 10177(d) (willful disregard or violation of Real
18 Estate Law) of the Code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

20 COST RECOVERY

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22 The Bureau will seek to recover cost of the investigation and prosecution of this
23 case pursuant to section 10106 of the Code which provides, in pertinent part, that in any order
24 issued in resolution of a disciplinary proceeding before the Bureau, the Commissioner may
25 request the administrative law judge to direct a licensee found to have committed a violation of
26 this part to pay a sum not to exceed the reasonable costs of the investigation and enforcement of
27 the case.

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

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8 TRICIA D. PARKHURST
9 Supervising Special Investigator

9 Dated at Sacramento, California,
10 this 19th day of July, 2017.

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12
13 DISCOVERY DEMAND

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