

FILED

OCT 13 2011

DEPARTMENT OF REAL ESTATE

By R. Mat

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of

MYLENE FUNK,

Respondent.

H-4224 SD

DECISION

This Decision is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on September 28, 2011, and the findings of fact set forth herein, which are based on one or more of the following: (1) Respondent's express admissions, (2) affidavits and (3) other evidence.

This Decision revokes a real estate license and/or license rights on grounds of the conviction of a crime pursuant to the Real Estate Law, Part I of Division 4, of the California Business and Professions Code ("the Code"), Sections 490 (conviction of crime) and 10177(b) (conviction of crime).

The right to reinstatement of a revoked real estate license is controlled by Section 11522 of the Government Code. A copy of Section 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of Respondent.

FINDINGS OF FACT

1.

On August 9, 2011, Joseph Aiu made the Accusation in his official capacity as a Deputy Real Estate Commissioner of the State of California. The Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified mail, return receipt requested, to Respondent's last known mailing address on file with the Department on August 18, 2011.

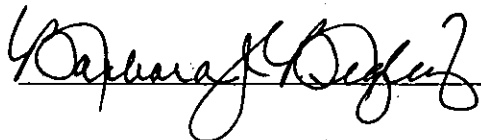
ORDER

All licenses and licensing rights of Respondent MYLENE FUNK under the provisions of Part I of Division 4 of the Business and Professions Code are revoked

This Decision shall become effective at 12 o'clock noon on
NOV - 3 2011

DATED: 10/12/11

BARBARA J. BIGBY
Acting Real Estate Commissioner



1 Department of Real Estate
2 P. O. Box 187007
3 Sacramento, CA 95818-7007

4 Telephone: (916) 227-0789

FILED
SEP 28 2011

DEPARTMENT OF REAL ESTATE
By *[Signature]*

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 ***

11 In the Matter of the Accusation of)
12) H-4224 SD
13 MYLENE FUNK,)
14 Respondent.) DEFAULT ORDER
15)

16 Respondent, MYLENE FUNK, having failed to file a Notice of Defense within
17 the time required by Section 11506 of the Government Code, is now in default. It is, therefore,
18 ordered that a default be entered on the record in this matter as to Respondent MYLENE
19 FUNK.

20 IT IS SO ORDERED

September 28, 2011

21 BARBARA J. BIGBY
22 Acting Real Estate Commissioner

23
24 By:

[Signature]
25 PHILLIP IRDE
26 Northern Regional Manager
27

August 18, 2011

1 ANNETTE E. FERRANTE, Counsel (SBN 258842)
2 Department of Real Estate
3 P. O. Box 187007
4 Sacramento, CA 95818-7007

DEPARTMENT OF REAL ESTATE

4 Telephone: (916) 227-0789
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6 Fax: (916) 227-9458

By: 

8 BEFORE THE
9 DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of)
13 MYLENE FUNK,) H-4224 SD
14 Respondent.) ACCUSATION
15)

16 The Complainant, JOSEPH AIU, in his official capacity as a Deputy Real Estate
17 Commissioner of the State of California, for cause of Accusation against MYLENE FUNK, also
18 known as "Maria Linda Funk Teves" and "Maria Linda Mylene Funk" (hereinafter
19 "Respondent"), is informed and alleges as follows:

20 1

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

24 2


25 On or about May 20, 2011, in the United States District Court, Southern District
26 of California, in Case No. 10CR2242JM, Respondent was convicted of four counts of violation
27

1 of Section 1014, Title 18 of the United States Code (False Statement to Federally Insured
2 Bank), felonies and crimes which bear a substantial relationship under Section 2910, Title 10, of
3 the California Code of Regulations, to the qualifications, functions, or duties of a real estate
4 licensee.

5 3

6 The facts alleged in Paragraph 2, above, constitute cause under Sections 490
7 (Conviction of Crime) and 10177(b) (Conviction of Crime Substantially Related to
8 Qualifications, Functions or Duties of Real Estate Licensee) of the Code for suspension or
9 revocation of all licenses and license rights of Respondent under the Real Estate Law.

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

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17 
18 JOSEPH AIU
19 Deputy Real Estate Commissioner

20 Dated at San Diego, California,
21 this 9 day of August, 2011.
22
23
24
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