

FILED

JAN 31 2013

DEPARTMENT OF REAL ESTATE

By L. Jones

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of)	
)	H-5840 SAC
BARRY LEON WINNETT,)	
)	
Respondent.)	

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 August 6, 2012, 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 on grounds of the conviction of a 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 May 29, 2012, Tricia D. Sommers made the Accusation in her 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 June 18, 2012.

On August 6, 2012, no Notice of Defense having been received or filed herein within the time prescribed by Section 11506 of the Government Code, Respondent's default was entered herein.

2.

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

3.

On or about January 11, 2012, in the United States District Court for the Northern District of California, case number 10CR 495 MCE, Respondent was convicted of violating United States Code Section 18:1343 (Wire Fraud), a felony which bears a substantial relationship under Section 2910, Title 10, California Code of Regulations, to the qualifications, functions, or duties of a real estate licensee and constitutes cause for revocation of all licenses and license rights of Respondent under Sections 490 and 10177(b) of the Code.

DETERMINATION OF ISSUES

1.

Cause for disciplinary action against Respondent exists with reference to the conviction set out in Paragraph 3, above, pursuant to Sections 490 and 10177(b) of the Code.

2.

The standard of proof applied was clear and convincing proof to a reasonable certainty.

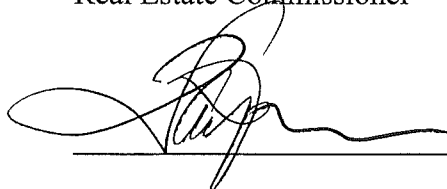
ORDER

The Department of Real Estate having met its burden of proof, it is hereby ordered that all licenses and licensing rights of Respondent BARRY LEON WINNETT, 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 **FEB 20 2013**

DATED: 1/31/2013

Real Estate Commissioner



FILED

August 6, 2012

1 Department of Real Estate
2 P. O. Box 187007
3 Sacramento, CA 95818-7007
4 Telephone: (916) 227-0789

DEPARTMENT OF REAL ESTATE

By  _____

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 ***

11	In the Matter of the Accusation of)	
12)	NO. H-5840 SAC
13	BARRY LEON WINNETT,)	
14	Respondent.)	<u>DEFAULT ORDER</u>

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

18 IT IS SO ORDERED AUG 06 2012

19 Real Estate Commissioner

20
21
22 By:  _____
23 JOE M. CARRILLO
24 Regional Manager

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