

FILED

1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 187007
3 Sacramento, CA 95818-7007

June 18, 2012

4 Telephone: (916) 227-0789

DEPARTMENT OF REAL ESTATE

By *S. Jones*

6 BEFORE THE DEPARTMENT OF REAL ESTATE

7 STATE OF CALIFORNIA

8 * * *

9 In the Matter of:)

10 BARRY LEON WINNETT,)

11 Respondent.)

NO. H-5841 SAC

PRELIMINARY BAR ORDER
AND NOTICE OF INTENTION
TO ISSUE FINAL BAR ORDER
(B&P Code § 10087)

12
13 TO: BARRY LEON WINNETT, #65506-097
14 USP LOMPOC
15 U.S. PENITENTIARY
16 3901 KLEIN BLVD
17 LOMPOC, CA 93436

18 Pursuant to Section 10087(c) of the Business and Professions Code (hereinafter
19 "Code"), BARRY LEON WINNETT (hereinafter "RESPONDENT") is hereby notified of the
20 intention of the California Real Estate Commissioner (hereinafter "Commissioner") to issue a
21 Bar Order pursuant to Sections 10087(a)(1) of the Business and Professions Code¹ on the
22 following grounds:

23 ¹ Business and Professions Code Section 10087: (a) In addition to acting pursuant to the authority provided under
24 Sections 10086, 10176, and 10177, the commissioner may, after appropriate notice and opportunity for a hearing, by
25 order, suspend, or bar from any position of employment, management, or control, for a period not exceeding 36
26 months, a real estate salesperson or real estate broker, or an unlicensed person issued an order under Section 10086,
27 if the commissioner finds either of the following:

(1) That the suspension or bar is in the public interest and that the person has committed or caused a violation of this
division or rule or order of the commissioner, which violation was either known or should have been known by the
person committing or causing it or has caused material damage to the public.

(2) That the person has been convicted of or pleaded nolo contendere to any crime, or has been held liable in any
civil action by final judgment, or any administrative judgment by any public agency, if that crime or civil or
administrative judgment involved any offense involving dishonesty, fraud, or deceit, or any other offense reasonably
related to the qualifications, functions, or duties of a person engaged in the real estate business in accordance with
the provisions of this division.

1 (1) On or about January 11, 2012, RESPONDENT, in the United States
2 District Court, for the Eastern District of California, Case Number 10 CR 495 MCE, was
3 convicted of violating Section 18:1343 of the United States Code (Wire Fraud), a felony; and,

4 (2) The felony conviction enumerated above involves dishonesty, fraud, or
5 deceit; and,

6 (3) The felony conviction enumerated above bears a substantial relationship
7 under Section 2910, Title 10, California Code of Regulations to the qualifications, functions, or
8 duties of a real estate licensee.

9 CONCLUSIONS OF LAW

10 Based on the findings set forth above, the Commissioner has determined that:

11 (A) A Bar Order is in the public interest;

12 (B) Respondent knowingly committed violations of the Real Estate Law;
13 and,

14 (C) Respondent's violations of Real Estate Law have caused material
15 damage to the public.

16 Please take notice that the Commissioner seeks to bar and prohibit Respondent
17 BARRY LEON WINNETT for a period of thirty-six (36) months from the effective date of the
18 Bar Order from engaging in any of the following activities in the State of California:

19 (A) Holding any position of employment, management, or control in a real
20 estate business;

21 (B) Participating in any business activity of a real estate salesperson or a real
22 estate broker;

23 (C) Engaging in any real estate related business activity on the premises
24 where a real estate salesperson or real estate broker is conducting
25 business; and,

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1 (D) Participating in any real estate related business activity of a finance
2 lender, residential mortgage lender, bank, credit union, escrow company,
3 title company, or underwritten title company.

4 **YOU ARE IMMEDIATELY PROHIBITED FROM ENGAGING IN ANY BUSINESS**
5 **ACTIVITY INVOLVING REAL ESTATE THAT IS SUBJECT TO REGULATIONS**
6 **UNDER THE REAL ESTATE LAW.**

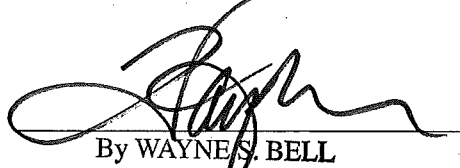
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8 **NOTICE OF RIGHT AND OPPORTUNITY FOR A HEARING**

9 Pursuant to Section 10087 of the California Business and Professions Code, you
10 have the right to request a hearing under the California Administrative Procedure Act (Chapter
11 4.5 – commencing with Section 11400 of the Government Code). If you desire a hearing, you
12 must submit a written request within fifteen (15) days after the mailing or service of this
13 “Notice of Preliminary Bar Order and Intention to Issue Final Bar Order.” The request may be
14 in any form provided it is in writing; includes your current return address; indicates that you
15 want a hearing; is signed by you or on your behalf; and is mailed to the Department of Real
16 Estate, P. O. Box 187007, Sacramento, California 95818-7007, attention: Legal Section; or,
17 delivered personally to the offices of the Department of Real Estate, 2201 Broadway,
18 Sacramento, California.

19 If no hearing is requested within said fifteen (15) day time period, your failure to
20 request a hearing shall constitute a waiver of the right to a hearing.

21 IT IS SO ORDERED this 13th day of June, 2012.

22
23 REAL ESTATE COMMISSIONER

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25 By WAYNE S. BELL
26 Chief Counsel

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NOTICE

Pursuant to Section 10185 of the Business and Professions Code: Any person, including officers, directors, agents or employees of corporations, who willfully violates or knowingly participates in the violation of this (Bar Order) shall be guilty of a misdemeanor punishable by a fine not exceeding ten thousand dollars (\$10,000), or by imprisonment in the county jail not exceeding six months, or by a fine and imprisonment.

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