

FILED

BEFORE THE BUREAU OF REAL ESTATE

FEB 25 2014

STATE OF CALIFORNIA

BUREAU OF REAL ESTATE

* * * *

By Jean Armenta

In the Matter of the Accusation of)
) No. H-38984 LA
 JOHN WESLEY MARTYNEC,)
)
 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 February 11, 2014, and the findings of fact set forth herein are based on one or more of the following: (1) Respondent's express admissions; (2) affidavits; and (3) other evidence.

This Decision suspends or revokes one or more real estate licenses on the ground of the conviction of a crime.

The right to reinstatement of a revoked real estate license or to the reduction of a suspension 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

I

On August 1, 2013, Robin Trujillo 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, to Respondent's last known mailing address on file with the Bureau on August 5, 2013.

Respondent failed to file a Notice of Defense within the time required by Section 11506 of the Government Code. Respondent's default was entered herein.

II

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 (hereinafter "Code") as a real estate broker.

III

On or about April 26, 2013, in the California Superior Court, County of Los Angeles, in Case No. BA399168, Respondent was convicted of violating three (3) counts of California Penal Code Section 487(A) [Grand Theft], a felony.

IV

The evidence established that the crime(s) of which Respondent was convicted are substantially related to the qualifications, functions and duties of a real estate licensee.

DETERMINATION OF ISSUES

I

Cause for disciplinary action against Respondent exists pursuant to Code Sections 490 and 10177(b).

II

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

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ORDER

The licenses and license rights of Respondent JOHN WESLEY MARTYNEC 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 **FEB 27 2014**.

DATED: **FEB 24 2014**

~~REAL ESTATE COMMISSIONER~~

A handwritten signature in black ink, appearing to read 'J. Mason', is written over a horizontal line. The signature is stylized and somewhat cursive.

By: JEFFREY MASON
Chief Deputy Commissioner

FILED

1 Bureau of Real Estate
320 W. 4th Street, Room 350
2 Los Angeles, California 90013

FEB 11 2014

3 Telephone: (213) 576-6982

DEPARTMENT OF REAL ESTATE
BY: 

8 BEFORE THE BUREAU OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12)
13 JOHN WESLEY MARTYNEC,)
14)
Respondent (s).)

NO. H-38984 LA

DEFAULT ORDER

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

20 IT IS SO ORDERED FEBRUARY 7, 2014.

21 WAYNE S. BELL
Real Estate Commissioner

22 
23 By: PHILLIP IHDE
24 Regional Manager

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