

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
FEB 10 2006

DEPARTMENT OF REAL ESTATE

* * *

In the Matter of the Accusation of)
GEORGE OCTAVIO FLINT,)
Respondent.)

By Anne Morris
NO. H-3213 SD
L2005090256

DECISION

The Proposed Decision dated January 17, 2006, of the Administrative Law Judge of the Office of Administrative Hearings is hereby adopted as the Decision of the Real Estate Commissioner in the above-entitled matter.

The Decision suspends or revokes one or more real estate licenses on grounds 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.

This Decision shall become effective at 12 o'clock noon
on MAR 03 2006

IT IS SO ORDERED 2-9, 06

JEFF DAVI
Real Estate Commissioner

[Signature]

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation against:

GEORGE OCTAVIO FLINT,

Respondent.

Case No. H-3213 SD

OAH No. L2005090256

PROPOSED DECISION

On December 12, 2005, in San Diego, California, Greer D. Knopf, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter.

Truly Sughrue, Real Estate Counsel, the Department of Real Estate, appeared on behalf of complainant J. Chris Graves, Deputy Real Estate Commissioner, Department of Real Estate, State of California.

Melissa Ables, attorney at law, appeared and represented respondent George Octavio Flint who was not present at the hearing.

The matter was submitted on December 12, 2005.

FACTUAL FINDINGS

1. Accusation number H-3213 SD, dated June 13, 2005, by complainant, J. Chris Graves ("complainant"), in his official capacity as Deputy Real Estate Commissioner, Department of Real Estate, State of California was filed against respondent George Octavio Flint ("respondent"). The accusation was filed on June 13, 2005. The accusation alleges respondent is licensed as a real estate salesperson and he has been convicted of crimes that involve moral turpitude and that are substantially related to the qualifications, functions or duties of a real estate salesperson. On June 20, 2005, respondent filed a notice of defense dated May 17, 2005 requesting a hearing on this matter. The proceeding herein followed.

2. Respondent holds a real estate salesperson's license that was issued by the Department of Real Estate ("the Department") on March 22, 2004. The Department took the disciplinary action herein as a result of respondent's criminal convictions.

3. On June 13, 2002, in the Superior Court, State of California, County of San Diego, respondent pleaded no contest and was convicted of a violation of Vehicle Code section 23152, subdivision (a) for driving under the influence of alcohol. Respondent struck two other vehicles while driving under the influence of alcohol. This crime was a misdemeanor. Respondent was sentenced to 180 days in custody of the County Sheriff which was suspended for five years. Respondent was given five years and ordered to pay fines and restitution. The court also ordered respondent to perform five days of public service work and complete a first conviction DUI educational program and attend a MADD program. On December 9, 2005, the court granted respondent's petition to terminate respondent's probation early and dismiss the conviction under Penal Code section 1203.4. The crime respondent was convicted of involved moral turpitude and is substantially related to the qualifications, functions and duties of a real estate licensee under Title 10, California Code of Regulations, section 2910.

4. On May 19, 2004, in the Superior Court, State of California, County of San Diego, respondent was convicted of Business and Professions Code section 7028.16 for contracting without a license to repair residential damage that was caused by a natural disaster for which a state of emergency was proclaimed. After the Cedar Fire in October 2003 destroyed many homes in the San Diego area, respondent contracted to perform construction repairs without having a contractor's license. Respondent was sentenced to three years probation and committed to custody of the County Sheriff for one day. The court also ordered respondent to work in a public service program for 20 days and pay fines and restitution. On December 9, 2005, the court granted respondent's petition to terminate respondent's probation early and dismiss the conviction under Penal Code section 1203.4. This crime was a felony that was reduced to a misdemeanor at sentencing. The crime involved dishonesty and moral turpitude and is substantially related to the qualifications, functions and duties of a real estate licensee under Title 10, California Code of Regulations, section 2910.

5. On January 28, 1999, in the Municipal Court, State of California, County of San Diego, respondent was convicted of a violation of Business and Professions Code section 26552 for being a minor under 21 years of age in possession of alcohol. This criminal conviction was alleged as a matter in aggravation of the other allegations in the accusation. Although this conviction occurred nearly seven years ago, it tends to demonstrate a pattern of respondent's disregard for the law and his willingness to bend the rules when it serves his needs.

6. Respondent did not appear at the hearing and therefore failed to offer any testimony regarding any mitigating circumstances of his criminal activities, remorse, or rehabilitation since his convictions. The only evidence offered regarding respondent's rehabilitation was the evidence that respondent's probations have been terminated early and the charges have been dismissed under Penal Code section 1204.3. However, this evidence alone is insufficient to establish that respondent has been fully rehabilitated since his criminal convictions. In addition, respondent's probation was just terminated this month and he has not had enough time to establish a track record of honest living. It is too soon to know if respondent will continue to live a law-abiding life style. In addition, respondent did

not offer sufficient evidence of rehabilitation. The Department must be able to rely on its licensees to comply with the law. Respondent should not be entrusted with a real estate license. Therefore, it is not in the public interest to allow respondent to keep his license as a real estate salesperson at this time.

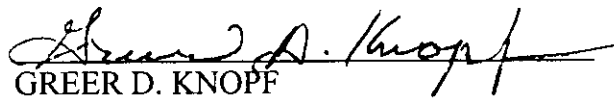
LEGAL CONCLUSIONS

Cause exists to discipline respondent's license as a real estate salesperson pursuant to Business and Professions Code sections 490 and 10177, subdivision (b) in that respondent was convicted of crimes that involved moral turpitude and were substantially related to the qualifications, functions and duties of a real estate licensee, as set forth in Findings 2-6.

ORDER

The real estate salesperson's license issued to respondent George Octavio Flint by the Department of Real Estate is hereby revoked.

DATED: 1-17-06


GREER D. KNOPF
Administrative Law Judge
Office of Administrative Hearings

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FILED
JUN 13 2005

DEPARTMENT OF REAL ESTATE

By H. Contreras

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)

NO. H-3213 SD

GEORGE OCTAVIO FLINT,)

ACCUSATION

Respondent.)

15 The Complainant, CHARLES W. KOENIG, a Deputy Real
16 Estate Commissioner of the State of California, for cause of
17 Accusation against GEORGE OCTAVIO FLINT, is informed and alleges
18 as follows:

I

20 GEORGE OCTAVIO FLINT (hereafter Respondent) is
21 presently licensed and/or has license rights under the Real
22 Estate Law, Part 1 of Division 4 of the California Business and
23 Professions Code (hereafter Code) as a real estate salesperson.

II

25 The Complainant, CHARLES W. KOENIG, a Deputy Real Estate
26 Commissioner of the State of California, makes this Accusation
27 against Respondent in his official capacity and not otherwise.

1 III

2 On or about May 19, 2004, in the Superior Court of
3 the State of California, County of San Diego, Respondent was
4 convicted of violation of California Business and Professions
5 Code Section 7028.16 (CONTRACTING WITHOUT A LICENSE TO REPAIR
6 RESIDENTIAL DAMAGE CAUSED BY NATURAL DISASTER FOR WHICH STATE OF
7 EMERGENCY WAS PROCLAIMED), a crime involving moral turpitude,
8 and/or a crime which bears a substantial relationship under
9 Section 2910 of Title 10, California Code of Regulations, to the
10 qualifications, functions, or duties of a real estate licensee.

11 IV

12 On or about June 13, 2002, in the Superior Court of
13 the State of California, County of San Diego, Respondent was
14 convicted of violation of California Vehicle Code Section 23152
15 (DRIVING UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS), a crime
16 involving moral turpitude, and/or a crime which bears a
17 substantial relationship under Section 2910 of Title 10,
18 California Code of Regulations, to the qualifications, functions,
19 or duties of a real estate licensee.

20 V

21 The facts alleged in Paragraphs III and IV above
22 constitute cause, jointly and severally, under Sections 490
23 and/or 10177(b) of the Code for suspension or revocation of all
24 license(s) and license rights of Respondent under the Real
25 Estate Law.

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