

FILED
FEB 08 2007

DEPARTMENT OF REAL ESTATE

By Anne Shann

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	
FRANK ERNEST BUTLER,)	No. H-3538 SD
Respondent.)	<u>DECISION</u>
_____)	

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 December 29, 2006, 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.

FINDINGS OF FACT

I

On May 31, 2006, J. Chris Graves 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, to Respondent's last known mailing address on file with the Department on June 6, 2006 and July 18, 2006.

On December 6, 2006, no Notice of Defense having been filed herein within the time prescribed 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 October 6, 2005, in the Superior Court, County of San Diego, Respondent was convicted of a violation of Section 288(a) of the California Penal Code (Lewd Act Upon a Child), a crime involving moral turpitude 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.

DETERMINATION OF ISSUES

I

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

II

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

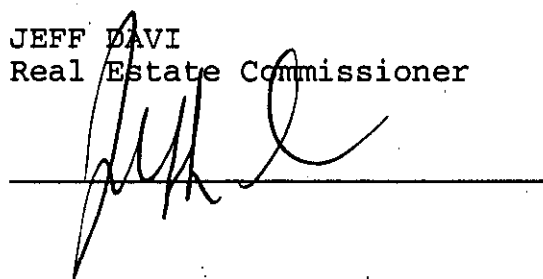
ORDER

All licenses and licensing rights of respondent FRANK ERNEST BUTLER, 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 28 2007

DATED: _____

JEFF DAVI
Real Estate Commissioner



1 TRULY SUGHRUE, Counsel
2 State Bar No. 223266
3 Department of Real Estate
4 P.O. Box 187007
5 Sacramento, CA 95818-7007
6
7 Telephone: (916) 227-0781
8

9 BEFORE THE DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA
11 * * *

12 In the Matter of the Accusation of) No. H-3538 SD
13 FRANK ERNEST BUTLER,)
14 Respondent.)
15

16 Respondent, FRANK ERNEST BUTLER, 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

December 6, 2006

21 JEFF DAVI
22 Real Estate Commissioner

23 By:

Dolores Weeks

24 DOLORES WEEKS
25 Regional Manager
26
27

1 TRULY SUGHRUE, Counsel
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DEPARTMENT OF REAL ESTATE

By Anne Shaver

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 FRANK ERNEST BUTLER,)
13 Respondent.)

No. H-3538 SD

ACCUSATION

14
15 The Complainant, J. CHRIS GRAVES, a Deputy Real Estate
16 Commissioner of the State of California, for cause of Accusation
17 against FRANK ERNEST BUTLER (hereinafter "Respondent"), is
18 informed and alleges as follows:

19 I

20 The Complainant, J. CHRIS GRAVES, a Deputy Real Estate
21 Commissioner of the State of California, makes this Accusation in
22 his official capacity.

23 II

24 Respondent is presently licensed and/or has license
25 rights under the Real Estate Law (Part 1 of Division 4 of the
26 Business and Professions Code) (Code) as a real estate broker.

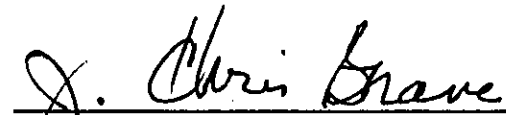
III

On or about October 6, 2005, in the Superior Court, County of San Diego, Respondent was convicted of a violation of Section 288(a) of the California Penal Code (Lewd Act Upon a Child), a crime involving moral turpitude 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.

IV

The facts alleged above constitute cause under Sections 490 and 10177(b) of the Code for suspension or revocation of all licenses and license rights of Respondent under the Real Estate Law.

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


J. CHRIS GRAVES
Deputy Real Estate Commissioner

Dated at San Diego, California,
this 31st day of May, 2006