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MAR 01 2022

BUREAU OF REAL ESTATE

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of:)	
)	DRE No. H-05266 SD
DANNY YEN,)	
)	
Respondent(s).)	

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 8, 2022, and the Findings of Fact set forth herein, which are based on one or more of the following: (1) The express admissions of Respondent, DANNY YEN (“Respondent”); (2) affidavits; and (3) other evidence.

This Decision revokes one or more real estate licenses on the grounds of the violation of the Real Estate Law, Part 1 commencing with Section 10000 of the Business and Professions Code (“Code”) and/or the Regulations of the Real Estate Commissioner, Title 10, Chapter 6 of the California Code of Regulations (“Regulations”).

Pursuant to Government Code Section 11521, the California Department of Real Estate (“the Department”) may order reconsideration of this Decision on petition of any party. The party seeking reconsideration shall set forth new facts, circumstances, and evidence, or errors in law or analysis, that show(s) grounds and good cause for the Commissioner to reconsider the Decision. If new evidence is presented, the party shall specifically identify the new evidence and explain why it was not previously presented. The Department’s power to order reconsideration of this Decision shall expire 30 days after mailing of this Decision, or on the effective date of this Decision, whichever occurs first. The right to reinstatement of a revoked real estate license, or to the reduction of a penalty, is controlled by Section 11522 of the Government Code. A copy of Government Code Sections 11521 and 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of respondent.

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FINDINGS OF FACT

1.

On December 17, 2021, Veronica Kilpatrick made the Accusation in her official capacity as a Supervising Special Investigator of the Department. 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 December 17, 2021.

2.

On February 8, 2022, 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.

LICENSE HISTORY

3.

a. Respondent is presently licensed and/or has license rights under the Code as a real estate broker with Department of Real Estate (Department) license ID 01363428.

b. The Department originally issued Respondent a broker license on or about March 21, 2007.

c. Respondent's main office address on file with the Department is 3643 Adams Street, Carlsbad, California.

d. Respondent maintains the fictitious business name Pivotal Real Estate and Finance when performing real estate activities that require licensure by the Department.

4.

To date the Department has incurred investigation costs of \$5,675.45.

5.

Attached as Exhibit "A" is a true and correct copy of the Accusation filed on December 17, 2021, which is incorporated herein as part of this Decision.

DETERMINATION OF ISSUES

1.

Based on the conduct, acts and/or omissions of Respondent, as described in the Accusation, constitute cause for the suspension or revocation of the real estate license and/or license rights of Respondent under the provisions of Sections 10177(d), 10177(j) and/or 10177(g).

2.

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

ORDER

All licenses and licensing rights of Respondent DANNY YEN 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 MAR 21 2022.

DATED: 2.25.22.

DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER

Douglas R. McCauley

