

FILED  
SEP 08 2000

DEPARTMENT OF REAL ESTATE

By Shelly Ely

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of ) No. H-7819 SF  
MICHAEL FLYNN HARRIS, )  
Respondent. )

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On April 7, 2000, an Accusation was filed in this matter against Respondent MICHAEL FLYNN HARRIS.

On July 10, 2000, Respondent petitioned the Commissioner to voluntarily surrender his real estate broker license(s) pursuant to Section 10100.2 of the Business and Professions Code.

IT IS HEREBY ORDERED that Respondent MICHAEL FLYNN HARRIS's petition for voluntary surrender of his real estate broker license(s) is accepted as of the effective date of this Order as set forth below, based upon the understanding and agreement expressed in Respondent's Declaration dated July 10, 2000 (attached as Exhibit "A" hereto). Respondent's license certificate(s), pocket card(s) and any branch office license

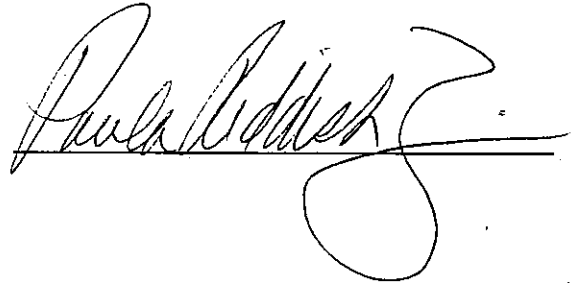
1 certificate(s) shall be sent to the below listed address so that  
2 they reach the Department on or before the effective date of this  
3 Order:

4 DEPARTMENT OF REAL ESTATE  
5 Attn: Licensing Flag Section  
6 P. O. Box 187000  
7 Sacramento, CA 95818-7000

8 This Order shall become effective at 12 o'clock noon  
9 on September 28, 2000.

10 DATED: July 26, 2000

11 PAULA REDDISH ZINNEMANN  
12 Real Estate Commissioner

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8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

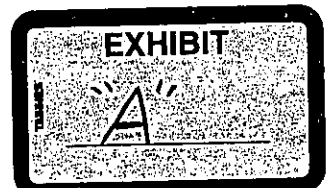
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11 In the Matter of the Accusation of ) No. H-7819 SF  
12 MICHAEL FLYNN HARRIS, )  
13 )  
14 Respondent. )

15 DECLARATION

16 My name is MICHAEL FLYNN HARRIS and I am currently  
17 licensed as a real estate broker and/or have license rights with  
18 respect to said license. I am representing myself in this  
19 matter. In lieu of proceeding in this matter in accordance with  
20 the provisions of the Administrative Procedure Act (Sections  
21 11400 et seq., of the Business and Professions Code) I wish to  
22 voluntarily surrender my real estate license(s) issued by the  
23 Department of Real Estate ("Department"), pursuant to Business  
24 and Professions Code Section 10100.2.

25 I understand that by so voluntarily surrendering my  
26 license(s), that they can only be reinstated in accordance with  
27 the provisions of Section 11522 of the Government Code. I also



1 understand that by so voluntarily surrendering my license(s), I  
2 agree to the following:

3           The filing of this Declaration shall be deemed as my  
4 petition for voluntary surrender. It shall also be deemed to be  
5 an understanding and agreement by me that, I waive all rights I  
6 have to require the Commissioner to prove the allegations  
7 contained in the Accusation filed in this matter at a hearing  
8 held in accordance with the provisions of the Administrative  
9 Procedure Act (Government Code Sections 11400 et seq.), and that  
10 I also waive other rights afforded to me in connection with the  
11 hearing such as the right to discovery, the right to present  
12 evidence in defense of the allegations in the Accusation and the  
13 right to cross-examine witnesses. I further agree that upon  
14 acceptance by the Commissioner, as evidenced by an appropriate  
15 order, all affidavits and all relevant evidence obtained by the  
16 Department in this matter prior to the Commissioner's acceptance,  
17 and all allegations contained in the Accusation filed in the  
18 Department Case No. H-7819 SF, may be considered by the  
19 Department to be true and correct for the purpose of deciding  
20 whether or not to grant reinstatement of my license(s) pursuant  
21 to Government Code Section 11522.

22           I declare under penalty of perjury under the laws of  
23 the State of California that the above is true and correct and  
24 that I freely and voluntarily surrender my license(s) and all  
25 license rights attached thereto.

26  
27 Date and Place

7/10/00 Hayward, CA

  
MICHAEL FLYNN HARRIS

FILED  
APR 28 2000

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

In the Matter of the Accusation of

MICHAEL FLYNN HARRIS,

Case No. H-7819 SF

OAH No. \_\_\_\_\_

Respondent

NOTICE OF HEARING ON ACCUSATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at \_\_\_\_\_

The Office of Administrative Hearings, The Elihu Harris State

Building, 1515 Clay Street, Suite 206, Oakland, CA 94612

on August 9, 2000, at the hour of 1:30 PM,  
or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: April 28, 2000

By

David B. Seals  
DAVID B. SEALS

Counsel

1 DEIDRE L. JOHNSON, Counsel  
2 State Bar No. 66322  
3 Department of Real Estate  
4 P. O. Box 187000  
5 Sacramento, CA 95818-7000  
6 Telephone: (916) 227-0789  
7

FILED  
APR 7 2000

DEPARTMENT OF REAL ESTATE

By Jean Bennett

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

12 In the Matter of the Accusation of )  
13 MICHAEL FLYNN HARRIS, )  
14 Respondent. )  
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NO. H-7819 SF  
ACCUSATION

16 The Complainant, Les R. Bettencourt, a Deputy Real  
17 Estate Commissioner of the State of California, for cause of  
18 Accusation against MICHAEL FLYNN HARRIS, is informed and alleges  
19 as follows:

20 I

21 MICHAEL FLYNN HARRIS (hereafter Respondent) is  
22 presently licensed and/or has license rights under the Real  
23 Estate Law, Part 1 of Division 4 of the California Business and  
24 Professions Code (hereafter Code) as a real estate broker. The  
25 license expired on or about June 22, 1999, subject to the right  
26 of late renewal thereof.

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II

The Complainant, Les R. Bettencourt, a Deputy Real Estate Commissioner of the State of California, makes this Accusation against Respondent in his official capacity and not otherwise.

III

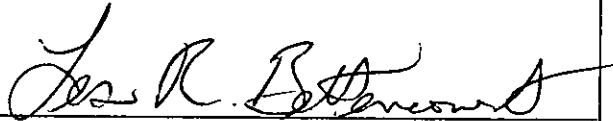
On or about June 9, 1997, in the United States District Court for the Northern District of California, Respondent was convicted of violation of two counts of Title 18 United States Code Section 664 (THEFT FROM EMPLOYEE BENEFIT PLAN), two counts of Title 18 United States Code Section 1027 (FALSE STATEMENT IN DOCUMENT REQUIRED BY ERISA), and four counts of Title 18 United States Code Section 1341 (MAIL FRAUD), felonies, crimes involving moral turpitude, and crimes which are substantially related under Section 2910 of 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 license(s) and license rights of Respondent under the Real Estate Law.

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

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12 LES R. BETTENCOURT  
13 Deputy Real Estate Commissioner  
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15 Dated at Oakland, California,  
16 this 29<sup>th</sup> day of March, 2000.  
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