

FILED
SEP - 7 2011
DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of) NO. H-37347 LA
))
 DAVID L. FLYNN,))
))
) 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 August 23, 2011, 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 revokes a real estate license 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.

FINDINGS OF FACT

1.

On June 16, 2011, 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, return receipt requested, and by regular mail to Respondent.

On August 23, 2011, 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.

2.

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, as a real estate broker. Respondent was first issued a real estate broker license by the Department of Real Estate of the State of California on March 25, 2005.

3.

On or about December 11, 2009, in the Superior Court of California, County of Santa Barbara, Figueroa Division, Case No. 1298151, Respondent was convicted of violating Penal Code Section 242 (battery), a misdemeanor.

4.

The evidence established that the underlying facts of the crime of which Respondent was convicted, as set forth in paragraph 3, is substantially related to the qualifications, functions and duties of a real estate licensee.

DETERMINATION OF ISSUES

1.

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

2.

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


ORDER

The license and license rights of Respondent,
DAVID L. FLYNN, 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 September 27, 2011.

DATED: 8/26, 2011.

BARBARA J. BIGBY
Acting Real Estate Commissioner



1 Department of Real Estate
2 320 West Fourth Street, Suite 350
3 Los Angeles, California 90013-1105

FILED
AUG 23 2011
DEPARTMENT OF REAL ESTATE

By *[Signature]*

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * * *

11 In the Matter of the Accusation of)
12 DAVID L. FLYNN,) NO. H-37347 LA
13 Respondent.) DEFAULT ORDER
14)

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

19 IT IS SO ORDERED

August 23, 2011

20 BARBARA J. BIGBY
21 Acting Real Estate Commissioner

22 *Dolores Weeks*
23 By: DOLORES WEEKS
24 Regional Manager
25
26
27

1 LISSETE GARCIA, Counsel (SBN 211552)
2 Department of Real Estate
3 320 West 4th Street, Suite 350
4 Los Angeles, California 90013-1105
5 Telephone: (213) 576-6982
6 (Direct) (213) 576-6914

FILED
JUN 20 2011
DEPARTMENT OF REAL ESTATE

By:

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

11 In the Matter of the Accusation of) NO. H-37347 LA
12))
13))
14))
15))
16))
17))
18))
19))
20))
21))
22))
23))
24))
25))
26))
27))

The Complainant, Robin Trujillo, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against DAVID L. FLYNN, aka David Lloyd Flynn ("Respondent"), is informed and alleges as follows:

I

The Complainant, Robin Trujillo, a Deputy Real Estate Commissioner of the State of California, makes this Accusation in her official capacity.

II

From March 25, 2005 through the present, Respondent has been licensed or has license rights under the Real Estate Law (Part 1 of Division 4 of the California Business and

1 Professions Code, "Code") as a real estate broker.

2 III

3 On or about December 11, 2009, in the Superior Court
4 of California, Santa Barbara County, Case No. 1298151,
5 Respondent was convicted of violating Penal Code section 242
6 (battery), a misdemeanor. The underlying facts of said crime
7 bear a substantial relationship to the qualifications,
8 functions or duties of a real estate licensee under Section
9 2910, Title 10, Chapter 6, California Code of Regulations.

10 IV

11 The crime of which Respondent was convicted, as
12 alleged in Paragraph III above, constitutes cause under Code
13 Sections 490 and 10177(b) for the suspension or revocation of
14 all licenses and license rights of Respondent under the Real
15 Estate Law.

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

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 licenses and/or license rights of
5 Respondent, DAVID L. FLYNN, under the Real Estate Law (Part 1
6 of Division 4 of the Business and Professions Code) and for
7 such other and further relief as may be proper under other
8 applicable provisions of law.

9 Dated at Los Angeles, California

10 this 16 day of June, 2011.

11
12 
13 ROBIN TRUJILLO
14 Deputy Real Estate Commissioner
15
16
17
18
19
20
21
22

23 cc: David L. Flynn
24 Robin Trujillo
25 Sacto.
26
27