

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 $\underline{490}$ and $\underline{10177(b)}$.

2.

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

ORDER

The license and license rights of Respondent,

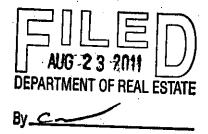
DAVID L. FLYNN, under the provisions of Part I of Division 4 of
the Business and Professions Code are revoked.

This Decision shall become effective at 12 o'clock noon on September 27, 2011.

DATED:

2011.

BARBARA J. BIGBY Acting Real Estate Commissioner Department of Real Estate 320 West Fourth Street, Suite 350 Los Angeles, California 90013-1105



BEFORE THE DEPARTMENT OF REAL ESTATE STATE OF CALIFORNIA

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In the Matter of the Accusation of

12 DAVID L. FLYNN,

Respondent.

NO. H-37347 LA

DEFAULT ORDER

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

IT IS SO ORDERED

BARBARA J. BIGBY Acting Real Estate Commissioner

Weeks

By: DOLORES WEEKS Regional Manager

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1 LISSETE GARCIA, Counsel (SBN 211552) Department of Real Estate 2 320 West 4th Street, Suite 350 Los Angeles, California 90013-1105 3 DEPARTMENT OF REAL ESTATE Telephone: (213) 576-6982 4 (Direct) (213) 576-6914 5 6 7 BEFORE THE DEPARTMENT OF REAL ESTATE 8 STATE OF CALIFORNIA 9 10 11 In the Matter of the Accusation of NO. H-37347 LA 12 DAVID L. FLYNN, ACCUSATION 13 Respondent. 14 15 16 The Complainant, Robin Trujillo, a Deputy Real Estate 17 Commissioner of the State of California, for cause of 18 Accusation against DAVID L. FLYNN, aka David Lloyd Flynn 19 ("Respondent"), is informed and alleges as follows: 20 Ι 21 The Complainant, Robin Trujillo, a Deputy Real Estate 22 Commissioner of the State of California, makes this Accusation 23 in her official capacity. 24 II

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has been licensed or has license rights under the Real Estate

Law (Part 1 of Division 4 of the California Business and

From March 25, 2005 through the present, Respondent

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

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 III

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

ΙV

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

ROBIN RUJILLO

Deputy Real Estate Commissioner

cc: David L. Flynn Robin Trujillo Sacto.