

FILED

BEFORE THE DEPARTMENT OF REAL ESTATE

JUL 12 2012

STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

BY: 

\* \* \* \*

In the Matter of the Accusation of )  
TIMOTHY MICHAEL DWYER, SR., )  
Respondent. )  
\_\_\_\_\_ )

No. H-37468 LA

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 January 31, 2012, 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

I

On August 18, 2011, Joseph Aiu 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 and regular mail, to Respondent's last known mailing address on file

with the Department by certified mail on August 23, 2011 and by regular mail on September 7, 2011.

On January 31, 2012, 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 salesperson.

## III

On or about January 12, 2010, in the Superior Court of the State of California, County of Riverside, in Case No. SWM088147, Respondent was convicted of violating Penal Code Sections 243(e)(1) (battery on spouse or cohabitant) and 242 (battery), misdemeanors.

## IV

The evidence established that the crimes of which Respondent was convicted, as described in Paragraph III, are substantially related to the qualifications, functions and 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, 10177(b).

### II

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

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ORDER

The licenses and license rights of Respondent TIMOTHY  
MICHAEL DWYER, SR. 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

AUG 01 2012

DATED: 7/2/2012

Real Estate Commissioner

  
By WAYNE S. BELL  
Chief Counsel

1 Department of Real Estate  
2 320 West Fourth Street, Suite 350  
3 Los Angeles, California 90013-1105  
4 (213) 576-6982

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JAN 31 2012

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12 TIMOTHY MICHAEL DWYER, SR., )

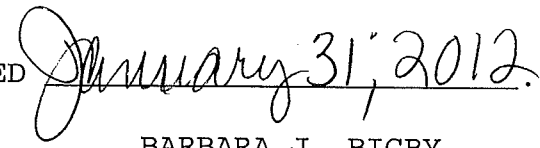
13 Respondent. )

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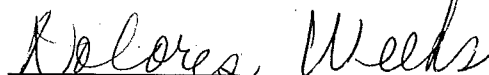
DEFAULT ORDER

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15  
16 Respondent, TIMOTHY MICHAEL DWYER, SR., having failed  
17 to file a Notice of Defense within the time required by Section  
18 11506 of the Government Code, is now in default. It is,  
19 therefore, ordered that a default be entered on the record in  
20 this matter.  
21

22 IT IS SO ORDERED

  
23 BARBARA J. BIGBY

Acting Real Estate Commissioner



24 By: DOLORES WEEKS

25 Regional Manager  
26  
27