

**FILED**

MAY 07 2019

DEPT. OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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In the Matter of the Accusation of:	)	DRE No. H-41342 LA
	)	
RICK ALAN FLOYD,	)	
	)	
Respondent(s).	)	

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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 April 23, 2019 and the Findings of Fact set forth herein, which are based on one or more of the following: (1) The express admissions of Respondent, RICK ALAN FLOYD ("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 April 5, 2019, Maria Suarez 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 April 08, 2019.

2.

On April 23, 2019 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.

3.

Respondent RICK ALAN FLOYD ("FLOYD") is presently licensed as a real estate broker license ID 00696425. FLOYD has been licensed as a REB by the Department since May 14, 1997. Prior to his licensure as a REB, FLOYD was licensed by the DRE as a real estate salesperson on April 4, 1979. According to DRE records to date, FLOYD's mailing address of record is: P.O. Box 9291, Newport Beach, CA 92658-9291 ("P.O. Box"), and FLOYD's main office address of record is: 15 Pine Valley Lane, Newport Beach, CA 92660 ("Pine Valley address"). According to DRE records to date, FLOYD: a) has two (2) active DBAs under his DRE license: 1) American Bankers Mortgage ("ABM"), active as of August 1, 1997, and 2) American Bankers Real Estate ("ABRE"), active as of June 21, 2012; b) has no branch offices under his DRE license; c) has one (1) RES under his DRE license. FLOYD holds Mortgage Loan Originator ("MLO") License Endorsement, Nationwide Multistate Licensing System ("NMLS") ID 360323; and d) FLOYD's NMLS is inactive and he is not authorized to conduct business. FLOYD's DRE license will expire on May 18, 2021.

4.

Attached as Exhibit "A" is a true and correct copy of the Accusation filed on April 08, 2019, which is incorporated herein as part of this Decision.

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DETERMINATION OF ISSUES

1.

The conduct, acts and/or omission of Respondent FLOYD as set forth above in Findings of Fact, Paragraph 4, constitute cause for the suspension or revocation of the real estate license and license rights of Respondent FLOYD pursuant to Code sections 10148, 10176(a) and (c), 10176 (m), 10177(d), 10177(g), 10244, 102240(a), 10231.1, 10232.5(a)(1), (2), (3), (4), (5), (6), (7), (8) and (9), 10233(a), 10234(a) and (c), 10234.5, 10244, and Regulations 2840 and 2843.

2.

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

ORDER

All licenses and licensing rights of Respondent RICK ALAN FLOYD 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 MAY 28 2019.

DATED: May 1, 2019.

DANIEL J. SANDRI  
ACTING REAL ESTATE COMMISSIONER

*Daniel J. Sandri*

1 Department of Real Estate  
2 320 West Fourth St, Ste 350  
3 Los Angeles, CA, 90013

**FILED**

APR 23 2019

DEPT. OF REAL ESTATE

By R. Pasada

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

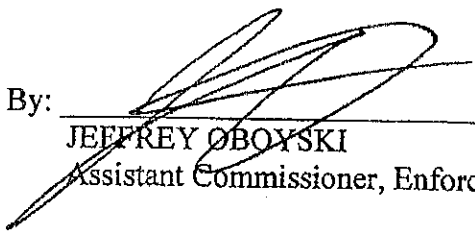
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11 In the Matter of the Accusation of: ) DRE NO. H-41342 LA  
12 RICK ALAN FLOYD, ) DEFAULT ORDER  
13 Respondent. )  
14 )

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

18 IT IS SO ORDERED APRIL 22, 2019.

19 DANIEL J. SANDRI  
20 ACTING REAL ESTATE COMMISSIONER

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22 By:   
23 JEFFREY OBOYSKI  
24 Assistant Commissioner, Enforcement  
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