

FILED

SEP 18 2013

BUREAU OF REAL ESTATE

BEFORE THE BUREAU OF REAL ESTATE

By John Acuña

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of)
) No. H-38544 LA
 DAVID RICHARD SPARKS,)
)
 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 20, 2013, 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 November 7, 2012, Maria Suarez 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 and regular mail, to Respondent's last known mailing address on file with the Bureau (formerly Department) of Real Estate on November 9, 2012.

On August 20, 2013, 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 broker.

III

On or about May 17, 2013, Respondent's broker license was suspended pursuant to Code Section 10186.1.

IV

On or about July 20, 2011, in the United States Court Central District of California, in Case No. SA CR11-0123, Respondent was convicted for violation of 18 U.S.C. 1343 (wire fraud), a felony. Respondent was sentenced to 78 months in federal prison, and upon prison release, 36 months of formal probation. In addition, Respondent was ordered to pay restitution in the amount \$4,328,783.00.

V

The evidence established that the crime of which Respondent was convicted is 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 and 10177(b).

II

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

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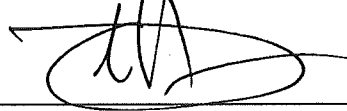
ORDER

The licenses and license rights of Respondent DAVID RICHARD SPARKS 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
October 8, 2013.

DATED: Sept 9, 2013.

Real Estate Commissioner

A handwritten signature in black ink, appearing to be 'JM', written over a horizontal line.

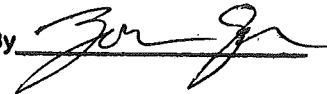
By: JEFFREY MASON
Chief Deputy Commissioner

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3 Los Angeles, CA 90013
4
5 (213) 576-6982
6
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AUG 20 2013

BUREAU OF REAL ESTATE

By 

8 BEFORE THE BUREAU OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) NO. **H-38544 LA**
12)
13 DAVID RICHARD SPARKS,) DEFAULT ORDER
14)
15)
16 Respondent.)

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

22 IT IS SO ORDERED

August 16, 2013

23 WAYNE S. BELL
24 Real Estate Commissioner

25 By:


26 DOLORES WEEKS
27 Regional Manager