

FILED

OCT 28 2013

BUREAU OF REAL ESTATE

By *L. Frost*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	
)	H-5864 SAC
FRANK LIVINGSTON HICKS,)	
)	
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 October 15, 2012, and the findings of fact set forth herein, which 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 crimes.

The right to reinstatement of a revoked real estate license 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 July 3, 2012, Tricia D. Sommers 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, to Respondent's last known mailing address on file with the Department on August 20, 2012.

On October 15, 2012, 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.

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 (herein "the Code") as a real estate salesperson.

3.

On or about November 14, 2011, in the Superior Court of the State of California, County of Sacramento, Case No. 11F00941, Respondent was convicted of violating Penal Code Sections 184(a)(1) (conspiracy), 524 (attempted extortion), 523 (threatening letters), and two counts of Section 422 (terrorist threats), all felonies which bear a substantial relationship under Section 2910, Title 10, California Code Regulations to the qualifications, functions or duties of a real estate licensee.

DETERMINATION OF ISSUES

1.

Cause for disciplinary action against Respondent exists with reference to the conviction set out in Paragraph 3, above, pursuant to Sections 490 and 10177(b) of the Code.

2.

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

ORDER

The Department of Real Estate having met its burden of proof, it is hereby ordered that all licenses and licensing rights of Respondent FRANK LIVINGSTON HICKS, 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 **NOV 18 2013**

DATED: July 17, 2013

REAL ESTATE COMMISSIONER



By: **JEFFREY MASON**
Chief Deputy Commissioner

1 JASON D. LAZARK, Counsel (SBN 263714)
2 Department of Real Estate
3 P. O. Box 187007
4 Sacramento, CA 95818-7007
5 Office: (916) 227-0789
6 Direct: (916) 227-0822

FILED

AUG 20 2012

DEPARTMENT OF REAL ESTATE
By *L. Frost*

7
8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12) No. H-5864 SAC
13 FRANK LIVINGSTON HICKS,) ACCUSATION
14 Respondent.)
15)

16 The Complainant, TRICIA D. SOMMERS, acting in her official capacity as a
17 Deputy Real Estate Commissioner of the State of California, for cause of Accusation against
18 FRANK LIVINGSTON HICKS (herein "Respondent"), is informed and alleges as follows:

19 1.

20 Respondent is presently licensed and/or has license rights under the Real Estate
21 Law Part 1 of Division 4 of the Business and Professions Code (herein "the Code") as a real
22 estate salesperson.

23 2.

24 On or about November 14, 2011, in the Superior Court of the State of California,
25 County of Sacramento, Case No. 11F00941, Respondent was convicted of violating Penal Code
26 sections 184(a)(1) (conspiracy), 524 (attempted extortion), 523 (threatening letters), and two
27 counts of section 422 (terrorist threats), all felonies which bear a substantial relationship under

1 section 2910, title 10, California Code Regulations to the qualifications, functions or duties of a
2 real estate licensee.

3 3.

4 The facts alleged above in Paragraph 2 constitute grounds under sections 490 and
5 10177(b) of the Code for suspension or revocation of all licenses and license rights of
6 Respondent under Part 1 of Division 4 of the Code (herein "the Real Estate Law").

7 COST RECOVERY

8 4.

9 The Department will seek to recover costs of this suit pursuant to section 10106 of
10 the Code which provides, in pertinent part, that in any order issued in resolution of a disciplinary
11 proceeding before the Department, the commissioner may request the administrative law judge
12 to direct a licensee found to have committed a violation of this part to pay a sum not to exceed
13 the reasonable costs of the investigation and enforcement of the case.

14 WHEREFORE, Complainant prays that a hearing be conducted on the allegations
15 of this Accusation and that upon proof thereof, a decision be rendered revoking all licenses and
16 license rights of Respondent under the Real Estate Law, for the cost of investigation and
17 enforcement as permitted by law, and for such other and further relief as may be proper under
18 other provisions of law.

19
20
21 
22 TRICIA D. SOMMERS
23 Deputy Real Estate Commissioner

24 Dated at Sacramento, California,
25 this 17th day of July, 2012.

1706

1 Department of Real Estate
2 P. O. Box 187007
3 Sacramento, CA 95818-7007
4 Telephone: (916) 227-0789

FILED

AUG 20 2012

DEPARTMENT OF REAL ESTATE
By *L. A. Just*

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)	
)	H-5864 SAC
12 FRANK LIVINGSTON HICKS,)	
13)	(B & P CODE SECTION 10186.1)
14 Respondent.)	

15 ORDER SUSPENDING REAL ESTATE LICENSE

16 TO: FRANK LIVINGSTON HICKS
17 CDC#AK4000
18 North Kern State Prison
19 PO Box 587
Delano, CA 93216

20 FRANK LIVINGSTON HICKS
21 3820 Woodcrest Rd.
Sacramento, CA 95821

22 On October 27, 2010, a real estate salesperson license was issued by the
23 Department of Real Estate to FRANK LIVINGSTON HICKS (herein "Respondent") subject to
24 Respondent's compliance with the Real Estate Law, Part 1 of Division 4 of the Business and
25 Professions Code (herein "the Code"), and Regulations, title 10, chapter 6, California Code of
26 Regulations.

27 ///

1 On August 20, 2012, in Case No. H-5864 SAC, an Accusation by a Deputy Real
2 Estate Commissioner of the State of California was filed charging Respondent with a violation of
3 sections 490 and 10177(b) of the Code in that on or about November 14, 2011, in the Superior
4 Court of the State of California, County of Sacramento, Case No. 11F00941, Respondent was
5 convicted of violating Penal Code sections 184(a)(1) (conspiracy), 524 (attempted extortion), 523
6 (threatening letters), and two counts of section 422 (terrorist threats), all felonies which bear a
7 substantial relationship under section 2910, title 10, California Code of Regulations to the
8 qualifications, functions or duties of a real estate licensee. Respondent is presently incarcerated,
9 having been sentenced on the above convictions to serve three (3) years in state prison
10 beginning November 14, 2011. The Commissioner has determined that Respondent has
11 been incarcerated after conviction of a felony, in violation of sections 490 and 10177 (b) of
12 the Code. Pursuant to section 10186.1 of the Code, Respondent's salesperson license shall
13 be suspended automatically.

14 NOW, THEREFORE, IT IS ORDERED under authority of section 10186.1 of
15 the Code of the State of California that the real estate salesperson license heretofore issued to
16 Respondent, and the exercise of any privileges thereunder, is hereby suspended pending final
17 determination made after the hearing on the aforesaid Accusation, or pending another hearing
18 (see "Hearing Rights" set forth below).

19 IT IS FURTHER ORDERED that all license certificates and identification cards
20 issued by the Department of Real Estate which are in the possession of Respondent be
21 immediately surrendered by personal delivery or by mailing in the enclosed self-addressed
22 envelope to:

23 DEPARTMENT OF REAL ESTATE
24 ATTN: Flag Section
25 Post Office Box 187000
26 Sacramento, CA 95818-7000

26 HEARING RIGHTS: Pursuant to the provisions of section 10186.1 of the Code,
27 you have the right to a hearing to contest the Commissioner's determination that you are in

1 violation of sections 490 and 10177(b) of the Code. If you desire a hearing, you must submit a
2 written request. The request may be in any form, as long as it is in writing and indicates that you
3 want a hearing. Unless a written request for a hearing, signed by or on behalf of you, is delivered
4 or mailed to the Department of Real Estate at PO Box 187007, Sacramento, California, 95818-
5 7007, within twenty (20) days after the date that this Order was mailed to or served on you; the
6 Department will not be obligated or required to provide you with a hearing.

7 This order shall be effective immediately.

8 DATED: July 13, 2012

9
10 Real Estate Commissioner

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12 By WAYNE S. BELL
13 Chief Counsel
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