

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