

1 Department of Real Estate  
2 320 West 4th Street, Suite 350  
3 Los Angeles, CA 90013-1105

**FILED**

AUG 25 2010

4 (213) 576-6982

DEPARTMENT OF REAL ESTATE  
BY: *R. Vetrone*

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of ) No. H-36720 LA  
12 DAVE WIELAND CLARK, ) STIPULATION AND AGREEMENT  
13 Respondent. )  
14 \_\_\_\_\_ )

15 It is hereby stipulated by and between DAVE WIELAND  
16 CLARK ("Respondent") and the Complainant, acting by and through  
17 Amelia V. Vetrone, Counsel for the Department of Real Estate, as  
18 follows for the purpose of settling and disposing of the  
19 Accusation filed on or about July 8, 2010 in this matter:

20 1. All issues which were to be contested and all  
21 evidence which was to be presented by Complainant and Respondent  
22 at a formal hearing on the Accusation, which hearing was to be  
23 held in accordance with the provisions of the Administrative  
24 Procedure Act (APA), shall instead and in place thereof be  
25 submitted solely on the basis of the provisions of this  
26 Stipulation and Agreement.

27 2. Respondent has received, read and understands the

1 Statement to Respondent, the Discovery Provisions of the APA and  
2 the Accusation filed by the Department of Real Estate in this  
3 proceeding.

4           3. On July 13, 2010, the Department of Real Estate  
5 received Respondent's Notice of Defense pursuant to Section  
6 11506 of the Government Code for the purpose of requesting a  
7 hearing on the allegations in the Accusation. Respondent hereby  
8 freely and voluntarily withdraws said Notice of Defense.  
9 Respondent acknowledges that he understands that by withdrawing  
10 said Notice of Defense he will thereby waive his right to  
11 require the Commissioner to prove the allegations in the  
12 Accusation at a contested hearing held in accordance with the  
13 provisions of the APA and that he will waive other rights  
14 afforded to him in connection with the hearing such as the right  
15 to present evidence in defense of the allegations in the  
16 Accusation and the right to cross-examine witnesses.

17           4. Respondent, pursuant to the limitations set forth  
18 below, hereby admits that the factual allegations in Paragraphs  
19 2, and 3, of the Accusation filed in this proceeding are true  
20 and correct and the Real Estate Commissioner shall not be  
21 required to provide further evidence of such allegations.

22           5. It is understood by the parties that the Real  
23 Estate Commissioner may adopt the Stipulation and Agreement as  
24 his Decision in this matter, thereby imposing the penalty and  
25 sanctions on Respondent's real estate license and license rights  
26 as set forth in the below "Order". In the event that the  
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1 removal of any of the conditions, limitations or restrictions of  
2 a restricted license until two (2) years have elapsed from the  
3 effective date of this Decision.

4 4. Respondent shall submit with any application for  
5 license under an employing broker, or any application for  
6 transfer to a new employing broker, a statement signed by the  
7 prospective employing real estate broker on a form approved by  
8 the Department of Real Estate which shall certify:

9 (a) That the employing broker has read the Decision of  
10 the Commissioner which granted the right to a restricted  
11 license; and

12 (b) That the employing broker will exercise close  
13 supervision over the performance by the restricted licensee  
14 relating to activities for which a real estate license is  
15 required.

16 5. Respondent shall, within nine months from the  
17 effective date of this Decision, present evidence satisfactory  
18 to the Real Estate Commissioner that Respondent has, since the  
19 most recent issuance of an original or renewal real estate  
20 license, taken and successfully completed the continuing  
21 education requirements of Article 2.5 of Chapter 3 of the Real  
22 Estate Law for renewal of a real estate license. If Respondent  
23 fails to satisfy this condition, the Commissioner may order the  
24 suspension of the restricted license until the Respondent  
25 presents such evidence. The Commissioner shall afford

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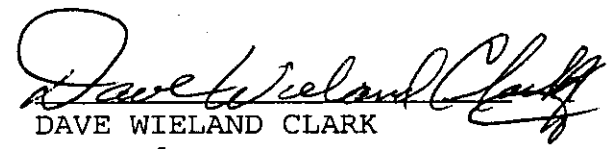


1 witnesses against me and to present evidence in defense and  
2 mitigation of the charges.

3 Respondent can signify acceptance and approval of the  
4 terms and conditions of this Stipulation and Agreement by faxing  
5 a copy of the signature page, as actually signed by Respondent,  
6 to the Department at the following telephone/fax number: (213)  
7 576-6917. Respondent agrees, acknowledges and understands that  
8 by electronically sending to the Department a fax copy of her  
9 actual signature as it appears on the Stipulation and Agreement,  
10 that receipt of the faxed copy by the Department shall be as  
11 binding on Respondent as if the Department had received the  
12 original signed Stipulation and Agreement.

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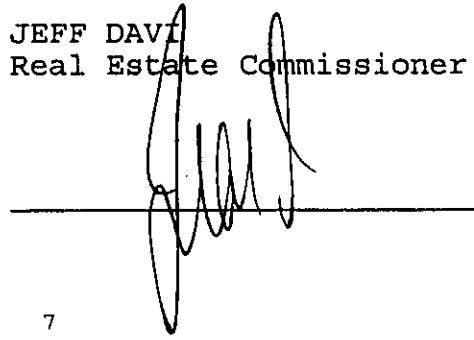
DATED: 8-3-10

  
DAVE WIELAND CLARK  
Respondent

\* \* \*

The foregoing Stipulation and Agreement is hereby  
adopted as my Decision in this matter, and shall become  
effective at 12 o'clock noon on SEP 14 2010

IT IS SO ORDERED 8-17-2010

JEFF DAVIS  
Real Estate Commissioner  


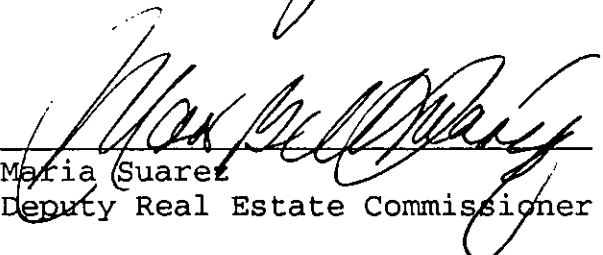






1                   WHEREFORE, Complainant prays that a hearing be  
2 conducted on the allegations of this Accusation and that upon  
3 proof thereof, a decision be rendered imposing disciplinary  
4 action against all the licenses and license rights of  
5 Respondent, DAVE WIELAND CLARK, under the Real Estate Law (Part  
6 1 of Division 4 of the Business and Professions Code) and for  
7 such other and further relief as may be proper under other  
8 applicable provisions of law.

9                   Dated at Los Angeles, California: 25 June, 2010.

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14                   Maria Suarez  
15                   Deputy Real Estate Commissioner

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25                   cc: DAVE WIELAND CLARK  
26                   Reliance Financial Corporation / Peter Eng  
27                   Maria Suarez  
                  Sacto.