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

(213) 576-6982

FILED

AUG 25 2010

DEPARTMENT OF REAL ESTATE BY: WORLD'S

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of) No. H-36720 LA)

DAVE WIELAND CLARK,) STIPULATION AND AGREEMENT

Respondent.

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

- evidence which was to be presented by Complainant and Respondent at a formal hearing on the Accusation, which hearing was to be held in accordance with the provisions of the Administrative Procedure Act (APA), shall instead and in place thereof be submitted solely on the basis of the provisions of this Stipulation and Agreement.
 - 2. Respondent has received, read and understands the

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

- 3. On July 13, 2010, the Department of Real Estate received Respondent's Notice of Defense pursuant to Section 11506 of the Government Code for the purpose of requesting a hearing on the allegations in the Accusation. Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent acknowledges that he understands that by withdrawing said Notice of Defense he will thereby waive his right to require the Commissioner to prove the allegations in the Accusation at a contested hearing held in accordance with the provisions of the APA and that he will waive other rights afforded to him in connection with the hearing such as the right to present evidence in defense of the allegations in the Accusation and the right to cross-examine witnesses.
- 4. Respondent, pursuant to the limitations set forth below, hereby admits that the factual allegations in Paragraphs 2, and 3, of the Accusation filed in this proceeding are true and correct and the Real Estate Commissioner shall not be required to provide further evidence of such allegations.
- 5. It is understood by the parties that the Real Estate Commissioner may adopt the Stipulation and Agreement as his Decision in this matter, thereby imposing the penalty and sanctions on Respondent's real estate license and license rights as set forth in the below "Order". In the event that the

Commissioner in his/her discretion does not adopt the Stipulation and Agreement, it shall be void and of no effect, and Respondent shall retain the right to a hearing and proceeding on the Accusation under all the provisions of the APA and shall not be bound by any admission or waiver made herein.

6. The Order or any subsequent Order of the Real Estate Commissioner made pursuant to this Stipulation and Agreement shall not constitute an estoppel, merger or bar to any further administrative or civil proceedings by the Department of Real Estate with respect to any matters which were not specifically alleged to be causes for accusation in this proceeding.

DETERMINATION OF ISSUES

By reason of the foregoing stipulations, admissions and waivers and solely for the purpose of settlement of the pending Accusation without a hearing, it is stipulated and agreed that the following determination of issues shall be made:

The conduct of Respondent, as described in the Accusation is grounds for the suspension or revocation of all of the real estate licenses and license rights of Respondent under the provision of Sections 490 and 10177(b) of the California Business and Professions Code.

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ORDER

All licenses and licensing rights of Respondent DAVE
WIELAND CLARK under the Real Estate Law are revoked; provided,
however, a restricted real estate salesperson license shall be
issued to Respondent pursuant to Section 10156.5 of the Business
and Professions Code if Respondent makes application therefor
and pays to the Department of Real Estate the appropriate fee
for the restricted license within 90 days from the effective
date of this Decision. The restricted license issued to
Respondent shall be subject to all of the provisions of Section
10156.7 of the Business and Professions Code and to the
following limitations, conditions and restrictions imposed under
authority of Section 10156.6 of that Code:

- 1. The restricted license issued to Respondent may be suspended prior to hearing by Order of the Real Estate

 Commissioner in the event of Respondent's conviction or plea of nolo contendere to a crime which is substantially related to Respondent's fitness or capacity as a real estate licensee.
- 2. The restricted license issued to Respondent may be suspended prior to hearing by Order of the Real Estate

 Commissioner on evidence satisfactory to the Commissioner that Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted license.
- 3. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor for the

removal of any of the conditions, limitations or restrictions of a restricted license until two (2) years have elapsed from the effective date of this Decision.

- 4. Respondent shall submit with any application for license under an employing broker, or any application for transfer to a new employing broker, a statement signed by the prospective employing real estate broker on a form approved by the Department of Real Estate which shall certify:
 - (a) That the employing broker has read the Decision of the Commissioner which granted the right to a restricted license; and
 - (b) That the employing broker will exercise close supervision over the performance by the restricted licensee relating to activities for which a real estate license is required.
- effective date of this Decision, present evidence satisfactory to the Real Estate Commissioner that Respondent has, since the most recent issuance of an original or renewal real estate license, taken and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate license. If Respondent fails to satisfy this condition, the Commissioner may order the suspension of the restricted license until the Respondent presents such evidence. The Commissioner shall afford

Respondent the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence.

writing within seventy-two (72) hours of any arrest by sending a certified letter to the Commissioner at Department of Real Estate, Post Office Box 187000, Sacramento, CA 95818-7000. The letter shall set forth the date of Respondent's arrest, the crime for which Respondent was arrested, and the name and address of the arresting law enforcement agency. Respondent's failure to timely file written notice shall constitute an independent violation of the terms of the restricted license and shall be grounds for the suspension or revocation of that license.

DATED:

8-6-10

Amelia V. Vetrone

Counsel for the Department of Real Estate

 I have read the Stipulation and Agreement, and its terms are understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509 and 11513 of the Government Code), and I willingly, intelligently and voluntarily waive those rights, including the right of requiring the Commissioner to prove the allegations in the Accusation at a hearing at which I would have the right to cross-examine

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

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

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DATED: 8-3-10

DAVE WIELAND CLARK

Respondent

| The | foregoing | Stipulation | and | Agreement | is | hereby |
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| adopted a | as | mу | Decision | n in | thi | s n | natter, | and | shall | become | |
|--|-----|-----|----------|------|------|-----|---------|-----|-------|--------|--|
| adopted as my Decision in this matter, and shall become SEP 1 4 2010 | | | | | | | | | | | |
| effective | e a | t 1 | .2 o'clo | ck n | .oon | on | | | | | |

IT IS SO ORDERED

X-17-2010

JEFF DAVI Real Estate Commissioner



AMELIA V. VETRONE, Counsel (SBN 134612) Department of Real Estate 320 West 4th Street, Suite 350 Los Angeles, California 90013-1105

FILED

Telephone: (213) 576-6982 (Direct) (213) 576-6940 JUL - 8 2010

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of No. H- 36720 LA

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Respondent.

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, acting in her official capacity, for cause of Accusation against DAVE WIELAND CLARK, ("Respondent") alleges as follows:

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 ("Code"), as a real estate salesperson.

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(CRIMINAL CONVICTION)

On or about May 22, 2009, in the Superior Court of California, County of Orange, in case no. 08WM07035, Respondent was convicted of violating Business & Professions Code Sections 7027.1(a) (Unlawful Advertising as a Contractor), and 7028(a) (Contracting Without a License), both misdemeanors. crimes are substantially related to the qualifications, functions or duties of a real estate licensee under Section 2910, Title 10, Chapter 6, California Code of Regulations.

3.

The crimes of which Respondent was convicted, as described above, constitute cause under Sections 490 and 10177(b) of the Business & Professions Code for the suspension or revocation of the license and license rights of Respondent under the Real Estate Law.

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

Dated at Los Angeles, California: 25 (Mul., 201

Maria Suare

Deputy Real Estate Commissioner

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cc: DAVE WIELAND CLARK

Reliance Financial Corporation / Peter Eng

Maria Suarez Sacto.