

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of) NO. H-37372 LA

DEREK LEE LARSON,

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 11, 2011, 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 <u>Criteria of Rehabilitation</u> are attached hereto for the information of Respondent.

FINDINGS OF FACT

1.

On June 28, 2011, 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 regular mail and certified mail, return receipt requested, to Respondent.

On October 11, 2011, 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.

2.

From August 29, 2006 through August 28, 2010, Respondent was licensed under the Real Estate Law (Part 1 of Division 4 of the California Business and Professions Code, "Code") as a real estate broker. Respondent's license expired on August 28, 2010. Respondent has renewal rights under Code Section 10201. The Department retains jurisdiction pursuant Code Section 10103.

3.

On or about August 5, 2009, in the Superior Court of California, Orange County, Case No. 09SF0026, Respondent was convicted of violating one felony count of Health and Safety Code section 11350, subdivision (a) (possession of a controlled substance: cocaine), one misdemeanor count of Health and Safety Code section 11364 (possession of controlled substance paraphernalia), and one misdemeanor count of Penal Code section 148, subdivision (a)(1) (resist and obstruct officer).

4.

On or about July 12, 2010, in the Superior Court of California, Orange County, Case No. 09SM05015, Respondent was convicted of violating Penal Code section 470, subdivision (d) (forgery), a misdemeanor.

5.

On or about August 2, 2010, in the Superior Court of California, Orange County, Case No. 10SF0707, Respondent was convicted of violating one felony count of Health and Safety Code section 11350, subdivision (a) (possession of a controlled substance: cocaine) and one misdemeanor count of Health and Safety Code section 11364 (possession of controlled substance paraphernalia).

6.

The evidence established that the crimes of which Respondent was convicted, as set forth in Paragraphs 3 through 5, are substantially related to the qualifications, functions and duties of a real estate licensee.

DETERMINATION OF ISSUES

1.

Cause for disciplinary action against Respondent exists pursuant to Business and Professions Code Sections <u>490</u> and <u>10177(b</u>).

2.

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

ORDER

The license and license rights of Respondent, DEREK LEE LARSON, 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

DATED: _____, 2011.

BARBARA J. BIGBY Acting Real Estate Commissioner

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1	Department of Real Estate 320 West Fourth Street, Suite 350	
	Los Angeles, California 90013-1105	
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8	BEFORE THE DEPARTMENT OF REAL ESTATE	
9	STATE OF CALIFORNIA	
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11	In the Matter of the Accusation of)) NO. H-37372 LA	
12	DEREK LEE LARSON,)) DEFAULT ORDER	
13	Respondent.)	
14	/	
15	Respondent, DEREK LEE LARSON, having failed to file	
16	a Notice of Defense within the time required by Section 11506	
17	of the Government Code, is now in default. It is, therefore,	
18	ordered that a default be entered on the record in this matter.	
19	IT IS SO ORDERED October 1, 2011.	
20	BARBARA J. BIGBY	
21	Acting Real Estate Commissioner	
22	AIM LOO	
23	By: PHILLIP IHDE	
24	Regional Manager	
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2 Depa:	ETE GARCIA, Counsel (SBN 211552) rtment of Real Estate West 4th Street, Suite 350 Angeles, California 90013-1105	JUL ~ 1 2011 DEPARTMENT OF REAL ESTATE
	phone: (213) 576-6982 ect) (213) 576-6914	By
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8	BEFORE THE DEPARTMENT OF REAL ESTATE	
9	STATE OF CALIFORNIA	
10	* * *	
¹¹ In t	he Matter of the Accusation of) NO. H-37372 LA
12	DEREK LEE LARSON,)) <u>ACCUSATION</u>
13	Respondent.)
14)
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16	The Complainant, Maria Suarez, a Deputy Real Estate	
17 Comm	issioner of the State of Califor	nia, for cause of
18 Accu	Accusation against DEREK LEE LARSON ("Respondent"), is informed	
19 and	and alleges as follows:	
20	. I	
21	The Complainant, Maria Sua	rez, a Deputy Real Estate
22 Comm	issioner of the State of Califor	nia, makes this Accusation
23 in h	in her official capacity.	
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From August 29, 2006 through August 28, 2010, Respondent was licensed under the Real Estate Law (Part 1 of Division 4 of the California Business and Professions Code ("Code")) as a real estate broker. Respondent's license expired on August 28, 2010. Respondent has renewal rights under Code Section 10201. The Department retains jurisdiction pursuant Code Section 10103.

II

III

On or about August 5, 2009, in the Superior Court of 10 California, Orange County, Case No. 09SF0026, Respondent was 11 convicted of violating one felony count of Health and Safety 12 Code section 11350, subdivision (a) (possession of a controlled 13 substance: cocaine), one misdemeanor count of Health and Safety 14 Code section 11364 (possession of controlled substance 15 paraphernalia), and one misdemeanor count of Penal Code section 16 148, subdivision (a)(1) (resist and obstruct officer). Said 17 crimes bear a substantial relationship to the qualifications, 18 functions or duties of a real estate licensee under Section 19 2910, Title 10, Chapter 6, California Code of Regulations. 20

IV

On or about July 12, 2010, in the Superior Court of California, Orange County, Case No. 09SM05015, Respondent was convicted of violating Penal Code section 470, subdivision (d) (forgery), a misdemeanor. Said crime bears a substantial relationship to the qualifications, functions or duties of a

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real estate licensee under Section 2910, Title 10, Chapter 6,
California Code of Regulations.

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On or about August 2, 2010, in the Superior Court of 4 California, Orange County, Case No. 10SF0707, Respondent was 5 convicted of violating one felony count of Health and Safety 6 Code section 11350, subdivision (a) (possession of a controlled 7 substance: cocaine) and one misdemeanor count of Health and 8 Safety Code section 11364 (possession of controlled substance 9 paraphernalia). Said crimes bear a substantial relationship to 10 the qualifications, functions or duties of a real estate 11 licensee under Section 2910, Title 10, Chapter 6, California 12 Code of Regulations. 13 VI 14 The crimes of which Respondent was convicted, as 15 alleged in Paragraphs III, IV and V above, constitute cause 16 under Code Sections 490 and 10177(b) for the suspension or 17 revocation of all licenses and license rights of Respondent 18 under the Real Estate Law. 19 111 20

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WHEREFORE, Complainant prays that a hearing be 1 conducted on the allegations of this Accusation and that upon 2 proof thereof, a decision be rendered imposing disciplinary 3 action against all licenses and/or license rights of 4 Respondent, DEREK LEE LARSON, under the Real Estate Law (Part 1 5 of Division 4 of the Business and Professions Code) and for 6 such other and further relief as may be proper under other 7 applicable provisions of law. 8 Dated at Los Angeles, California 9 the day of N this _ 2011. 10 11 12 SUAREZ 13 Deputy Real Estate Commissioner 14 15 16 17 18 19 20 21 22 Derek Lee Larson cc: 23 Maria Suarez Sacto. 24 25 26 27