

FILED

BEFORE THE DEPARTMENT OF REAL ESTATE

JAN 04 2013

STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

BY: 

* * * *

In the Matter of the Accusation of)
)
 DAVID E. SNYDER,) No. H-37831 LA
)
)
 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 July 10, 2012, 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 Criteria of Rehabilitation are attached hereto for the information of Respondent.

FINDINGS OF FACT

I

On January 31, 2012, 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 certified and regular mail, to Respondent's last known mailing address on file

with the Department by certified mail on February 2, 2012 and by regular mail on March 5, 2012.

On July 10, 2012, 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.

II

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. Respondent's license expired on September 17, 2011. Pursuant to Code Section 10201 Respondent retains renewal rights. Pursuant to Section 10103 the Department retains jurisdiction.

III

(a) On or about November 9, 2010, in the Superior Court of the State of California, County of Los Angeles, in Case No. KA091078, Respondent pled *nolo contendere* and was convicted of four counts of violating Penal Code Section 288A(B)(1) (oral copulation with person under 18 years of age); one count of violating Penal Code Section 286(b)(b) (sodomy with person under 18 years of age); two counts of violating Penal Code Section 311.11(A) (possession of pornography of person under 18 years of age conducting sexual acts); and three counts of violating Penal Code Section 288.3(A) (communication with person under 18 years of age with intent to commit an offense specified in Penal Code Section 207, 209, 261, 264.1, 273a, 286, 288, 288a, 288.2, 289, 311.1, 311.2, 311.4 or 311.11), all felonies.

(b) Respondent was sentenced to three years in state prison (suspended); five years probation; 365 days in jail; and ordered to pay fines and restitution and complete a sex offender evaluation and treatment program. In addition, Respondent was ordered to stay away from the victim and the victim's family, unless approved by the court or by his therapist. Respondent was also ordered to not be alone with any minor and to not reside near, visit, or be within 100 yards of places minors frequent or congregate, without approval of his probation officer and supervised by an approved chaperone. Respondent was also

ordered not to reside with any minors or to use or possess: children's clothes or materials depicting unclothed children; toys, video games, or other similar items designed for the purpose of entertainment/attraction of children; computers; internet service; and telephone numbers or internet services which provide access to sexually oriented services, the billing/transaction records of which are to be submitted to his probation officer upon request. Respondent was also required to register as a convicted sex offender and to carry proof of registration at all times.

IV

The evidence established that the crimes of which Respondent was convicted, as described in Paragraphs III(a) and III(b), are substantially related to the qualifications, functions and duties of a real estate licensee.

DETERMINATION OF ISSUES

I

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

II

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

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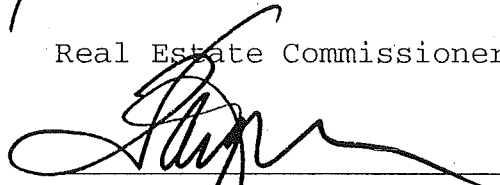
ORDER

The licenses and license rights of Respondent DAVID E. SNYDER 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
JAN 24 2013

DATED: 12/2/2012

Real Estate Commissioner

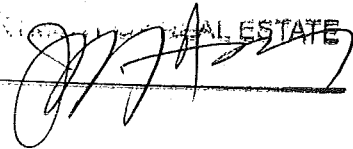


By WAYNE S. BELL
Chief Counsel

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3 Los Angeles, California 90013-1105
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8 STATE OF CALIFORNIA

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11 In the Matter of the Accusation of)
12 DAVID E. SNYDER,) NO. H-37831 LA
13 Respondent.) DEFAULT ORDER
14)

15 Respondent, DAVID E. SNYDER, having failed to file a
16 Notice of Defense within the time required by Section 11506 of
17 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 July 10, 2012.

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21 Real Estate Commissioner

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23 By: DOLORES WEEKS
24 Regional Manager
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