FILED
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DEPARTMENT OF REAL ESTATE
By

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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In the Matter of the Accusation of JOSEPH SACKS, Respondent.	No. H-41101 LA ACCUSATION

The Complainant, Veronica Kilpatrick, a Supervising Special Investigator of the State of California, for cause of Accusation against JOSEPH SACKS, a.k.a. Joseph Benjamin Sacks ("Respondent") alleges as follows:

1.

The Complainant, Veronica Kilpatrick, a Supervising Special Investigator of the State of California, makes this Accusation in her official capacity.

2.

A. 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 ("RES") Department[1] of Real Estate ("Department" or "DRE") license ID 01751041.

B. Respondent was first issued a RES license by the DRE on or about June 3, 2006.

C. On or about January 22, 2016, Respondent's license was subject to suspension pursuant to California Family Code Section 17520.

D. Respondent's RES license expired on June 2, 2018. Pursuant to Code Section 10201, Respondent retains renewal rights. Pursuant to Section 10103, the DRE retains jurisdiction.

FIRST CAUSE FOR DISCIPLINE

(CRIMINAL CONVICTION)

3.

September 21, 2015; Penal Code Section 273.5(a) - M

A. On or about June 4, 2015, a Misdemeanor Complaint was filed against Respondent in the Superior Court of California, Riverside County, in Case No. 1NM1503928, The People of the State of California v. Joseph Benjamin Sacks, for violation of Penal Code ("PC") Section 273.5(a) willfully and unlawfully inflict a corporal injury resulting in a traumatic condition upon defendant's spouse and former spouse, cohabitant and former cohabitant, fiancé and fiancée, parent of defendant's child, a person who previously had an engagement with defendant, and a person who has an previously had a dating relationship with defendant, as defined in Penal Code Section 243(f)(10)[2] (Count 1).

[1] Between July 1, 2013 and June 30, 2018, the California Department of Real Estate was the California Bureau of Real Estate.

[2] According to California Penal Code Section 243(f)(10) "Dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement independent of financial considerations.

B. On or about September 21, 2015, Respondent pled guilty to Count 1 (PC 273.5(a)).

C. Also on or about September 21, 2015, Respondent was sentenced to thirty-six (36) months of summary probation and ordered to perform twenty (20) hours of community service. In addition, the court ordered Respondent to pay court fines and fees, to refrain from annoying, harassing, threatening or disturbing the peace of the victim, and to complete a 52-week Domestic Violence Program by June 21, 2017. Included in the terms of Respondent's sentence, the court, through Interstate Compact, authorized Respondent to continue to reside in Arizona while on probation in California.

D. According to a December 22, 2015 Memorandum by Probation Officer ("P.O.") L. Whiting to the Riverside County Superior Court, the Arizona probation officer was unsuccessful in their attempt to contact Respondent via telephone on November 25, 2015. On December 9, 2015, the probation officer attempted to contact Respondent at his listed address, and discovered the apartment was vacant with a "Property Seized" notice on the door. P.O. Whiting concluded that, "The defendant has absconded and is in violation of Interstate Compact."

E. On or about January 7, 2016, the court revoked Respondent's probation, issued a bench warrant for Respondent's arrest, and set bail at $50,000.

4.

The crime of which Respondent was convicted, by its facts and circumstances, bears a substantial relationship under Section 2910, Title l0, Chapter 6, California Code of Regulations to the qualifications, functions or duties of a real estate licensee.

5.

The crime of which Respondent was convicted constitute cause under **Code Sections 490 and 10177(b)** for the suspension or revocation of the license and license rights of Respondent under the Real Estate Law.

SECOND CAUSE FOR DISCIPLINE

(FAILURE TO REPORT)

6.

Respondent did not report in writing to the Department, the aforementioned conviction in Riverside County Case No. 1NM1503928, as described above in Paragraph 3C, within thirty (30) days of the conviction date (September 21, 2015).

7.

Respondent's failure to report the misdemeanor conviction in Riverside County Case No. 1NM1503928 constitutes cause for discipline under **Code Section 10186.2**[3] of the license and license rights of Respondent under the Real Estate Law.

COSTS

8.

Code Section 10106 provides, in pertinent part, that in any order issued in resolution of a disciplinary proceeding before the Bureau, the Commissioner may request the administrative law judge to direct a licensee found to have committed a violation of this part to pay a sum not to exceed the reasonable costs of investigation and enforcement of the case.

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[3] Pursuant to Business and Professions Code 10186.2: (a)(1) A licensee shall report any of the following to the department: (A) The bringing of an indictment or information charging a felony against the licensee. (B) The conviction of the licensee, including any verdict of guilty, or plea of guilty or no contest, of any felony or misdemeanor. (c) Any disciplinary action taken by another licensing entity or authority of this state or of another state or an agency of the federal government. (2) The report required by this subdivision shall be made in writing within 30 days of the date of the bringing of the indictment or the charging of a felony, the conviction, or the disciplinary action. (b) Failure to make a report required by this section shall constitute a cause for discipline.

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 licenses and/or license rights under the Real Estate Law (Part 1 of Division 4 of the California Business and Professions Code) of Respondent JOSEPH SACKS, for the cost of investigation and enforcement as permitted by law, and for such other and further relief as may be proper under applicable provisions of law.

Dated at San Diego, California

this 10 day of July, 2018.

V Kilpatrick

Veronica Kilpatrick
Supervising Special Investigator

cc: JOSEPH SACKS
Veronica Kilpatrick
Sacto.