FILED
SEP 25 2018
DEPARTMENT OF REAL ESTA
By

BEFORE THE DEPARTMENT[1] OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of:	)	CalDRE No. H-41101 LA
	)	
JOSEPH SACKS,	)	
	)	
Respondent(s).	)	

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 September 6, 2018, and the Findings of Fact set forth herein, which are based on one or more of the following: (1) The express admissions of Respondent, JOSEPH SACKS ("Respondent"); (2) affidavits; and (3) other evidence.

This Decision revokes a real estate license on grounds of conviction of a crime and the failure to timely report the conviction.

Pursuant to Government Code Section 11521, the California Department of Real Estate ("the Department") may order reconsideration of this Decision on petition of any party. The party seeking reconsideration shall set forth new facts, circumstances, and evidence, or errors in law or analysis, that show(s) grounds and good cause for the Commissioner to reconsider the Decision. If new evidence is presented, the party shall specifically identify the new evidence and explain why it was not previously presented. The Department's power to order reconsideration of this Decision shall expire 30 days after mailing of this Decision, or on the effective date of this Decision, whichever occurs first. The right to reinstatement of a revoked real estate license, or to the reduction of a penalty, is controlled by Section 11522 of the Government Code. A copy of Government Code Sections 11521 and 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of respondent.

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[1] Between July 1, 2013 and July 1, 2018, the Department of Real Estate operated as the Bureau of Real Estate under the Department of Consumer Affairs.

FINDINGS OF FACT

1.

On July 10, 2018, Veronica Kilpatrick made the Accusation in her official capacity as a Supervising Special Investigator of the Department. The Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified mail, return receipt requested, to Respondent's last known mailing address on file with the Department on July 12, 2018.

2.

On September 6, 2018, no Notice of Defense having been received or filed herein within the time prescribed by Section 11506 of the Government Code, Respondent's default was entered herein.

3.

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 ("the Code") as a real estate salesperson. Respondent was first issued a RES license by the DRE on or about June 3, 2006. Respondent's RES license expired on June 2, 2018. Pursuant to Code section 10201, Respondent retains renewal rights. Pursuant to Code section 10103, the DRE retains jurisdiction.

4.

To date, the Department of Real Estate has incurred costs totaling $947.20.

5.

Attached as Exhibit "A" is a true and correct copy of the Accusation filed on July 12, 2018, which is incorporated herein as part of this Decision.

DETERMINATION OF ISSUES

1.

The allegations contained in the Accusation, Exhibit A, constitute cause under Sections 490 and 10177(b) (conviction of a crime substantially related to the qualifications, functions or duties of a real estate licensee) of the Code for the suspension or revocation of all licenses and license rights of Respondent under the Real Estate Law.

2.

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

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

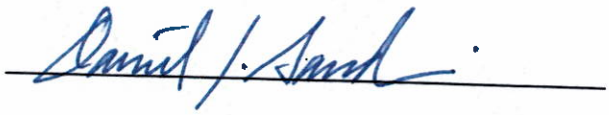
ORDER

All licenses and licensing rights of Respondent JOSEPH SACKS 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 on OCT 15 2018.

DATED: September 17, 2018.

DANIEL J. SANDRI
ACTING REAL ESTATE COMMISSIONER



Department of Real Estate
1651 Exposition, Blvd.
Sacramento, CA, 95815

FILED
SEP 06 2018
DEPARTMENT OF REAL ESTATE
by R. Pascoe

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of:	CalDRE NO. ***H-41101 LA***
JOSEPH SACKS,	DEFAULT ORDER
Respondent.	

Respondent JOSEPH SACKS, having failed to file a Notice of Defense within the time required by Section 11506 of the Government Code, is now in default. It is, therefore, ordered that a default be entered on the record in this matter.

IT IS SO ORDERED SEPTEMBER 6, 2018.

DANIEL J. SANDRI
ACTING REAL ESTATE COMMISSIONER

By: Joe M. Carrillo
JOSEPH M. CARRILLO
Managing Deputy Commissioner IV