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DEPARTMENT OF REAL ESTATE
P. O. Box 187000
Sacramento, CA 95818-7000

Telephone: (916) 227-0789

FILED
NOV 13 1998
DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	
D. G. FINANCIAL, INC.;)	NO. H-3354 SAC
EDNA YOUNG CARVIN; and,)	
BRIAN VINCENT COONEY;)	<u>STIPULATION AND AGREEMENT</u>
_____)	(AS TO BRIAN VINCENT COONEY)
Respondents.)	

It is hereby stipulated by and between Respondent
BRIAN VINCENT COONEY ("Respondent"), acting by and through Sean B.
Absher, his attorney of record; and the Complainant, acting by and
through Thomas C. Lasken, Counsel for the Department of Real
Estate; as follows for the purpose of settling and disposing of
the Accusation filed on April 9, 1998, in this matter:

1. All issues which were to be contested and all
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.

1 2. Respondent has received, read, and understands the
2 Statement to Respondent, the Discovery Provisions of the APA, and
3 the Accusation filed by the Department of Real Estate in this
4 proceeding.

5 3. On April 22, 1998, Respondent filed a Notice of
6 Defense pursuant to Section 11505 of the Government Code for the
7 purpose of requesting a hearing on the allegations in the
8 Accusation. Respondent hereby freely and voluntarily withdraws
9 said Notice of Defense. Respondent acknowledges that he
10 understands that by withdrawing said Notice of Defense he will
11 thereby waive his right to require the Commissioner to prove the
12 allegations in the Accusation at a contested hearing held in
13 accordance with the provisions of the APA and that he will waive
14 other rights afforded to him in connection with the hearing such
15 as the right to present evidence in defense of the allegations in
16 the Accusation and the right to cross-examine witnesses.

17 4. Respondent, pursuant to the limitations set forth
18 below, hereby admits that the factual allegations or findings of
19 fact as set forth in the Accusation filed in this proceeding are
20 true and correct and the Real Estate Commissioner shall not be
21 required to provide further evidence of such allegations.

22 5. It is understood by the parties that the Real Estate
23 Commissioner may adopt the Stipulation and Agreement as his
24 Decision in this matter, thereby imposing the penalty and
25 sanctions on Respondent's real estate licenses and license rights
26 as set forth in the below "Order". In the event that the
27 Commissioner in his discretion does not adopt the Stipulation and



1 Agreement, it shall be void and of no effect, and Respondent shall
2 retain the right to a hearing and proceeding on the Accusation
3 under all the provisions of the APA and shall not be bound by any
4 admission or waiver made herein.

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

11 DETERMINATION OF ISSUES

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

16 I

17 The conduct of Respondent, as described in the
18 Accusation, constitutes cause for the suspension or revocation of
19 the real estate license and license rights of Respondent under the
20 provisions of Sections 10137 and 10177(d) of the Business and
21 Professions Code ("Code").

22 ORDER

23 A. The real estate salesperson license and license rights of
24 Respondent under the Real Estate Law are suspended for a period
25 of sixty (60) days from the effective date of this Order;
26 provided, however, all of said suspension shall be stayed for
27 two (2) years upon the following terms and conditions:



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1. That Respondent shall obey all laws, rules and regulations governing the rights, duties, and responsibilities of a real estate licensee in the State of California; and,
2. That no final subsequent determination be made, after hearing or upon stipulation, that cause for disciplinary action occurred within two (2) years of the effective date of this Order.

B. Respondent shall pay a fine of \$5,000.00:

1. Said payment shall be in the form of a cashier's check or certified check made payable to the Recovery Account of the Real Estate Fund. Said check must be delivered to the Department prior to the effective date of the Order in this matter.
2. If Respondent fails to pay the fine in accordance with the terms and conditions of the Order, the Commissioner may, without a hearing, order the immediate execution of all or any part of the stayed suspension in which event the Respondent shall not be entitled to any repayment nor credit, prorated or otherwise, for the money paid to the Department under the terms of this Order.

C. Respondent shall, within six (6) months from the effective date of the Order, take and pass the Professional Responsibility Examination administered by the Department including the payment of the appropriate examination fee. If Respondent fails to satisfy this condition, the Commissioner may order the suspension of his license until Respondent passes the examination.



1 D. Should no order vacating the stay be issued in accordance with
2 any condition of this Order, the stay imposed herein shall
3 become permanent.

4
5 September 9, 1998

6 DATED

Thomas C. Lasken

THOMAS C. LASKEN, Counsel
DEPARTMENT OF REAL ESTATE

7 * * *

8 I have read the Stipulation and Agreement, have
9 discussed it with my counsel, and its terms are understood by me
10 and are agreeable and acceptable to me. I understand that I am
11 waiving rights given to me by the California Administrative
12 Procedure Act (including but not limited to Sections 11506,
13 11508, 11509, and 11513 of the Government Code), and I willingly,
14 intelligently, and voluntarily waive those rights, including the
15 right of requiring the Commissioner to prove the allegations in
16 the Accusation at a hearing at which I would have the right to
17 cross-examine witnesses against me and to present evidence in
18 defense and mitigation of the charges.

19
20 8-21-98

21 DATED

Brian Vincent Cooney
BRIAN VINCENT COONEY
Respondent

22
23 I have reviewed the Stipulation and Agreement as to
24 form and content and have advised my client accordingly.

25
26 8-21-98

27 DATED

Sean B. Absher
SEAN B. ABSHER
Attorney for Respondent



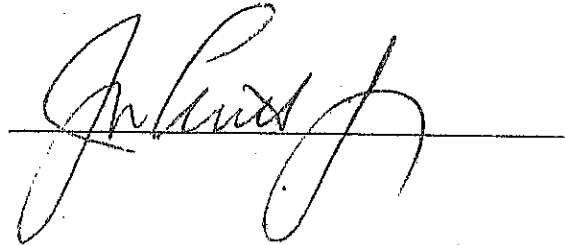
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* * *

The foregoing Stipulation and Agreement is hereby
adopted by the Real Estate Commissioner as his Decision and
Order and shall become effective at 12 o'clock noon on
December 3, 1998.

IT IS SO ORDERED 10/21, 1998.

JIM ANTT, JR.
Real Estate Commissioner



1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 187000
3 Sacramento, CA 95818-7000
4 Telephone: (916) 227-0789
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FILED
NOV 13 1998
DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 D. G. FINANCIAL, INC.;) NO. H-3354 SAC
13 EDNA YOUNG CARVIN; and,)
14 BRIAN VINCENT COONEY;) STIPULATION AND AGREEMENT
15 Respondents.) (AS TO EDNA YOUNG CARVIN)

16 It is hereby stipulated by and between Respondent
17 EDNA YOUNG CARVIN ("Respondent"); and the Complainant, acting by
18 and through Thomas C. Lasken, Counsel for the Department of Real
19 Estate; as follows for the purpose of settling and disposing of
20 the Accusation filed on April 9, 1998, in this matter:

21 1. All issues which were to be contested and all
22 evidence which was to be presented by Complainant and Respondent
23 at a formal hearing on the Accusation, which hearing was to be
24 held in accordance with the provisions of the Administrative
25 Procedure Act ("APA"), shall instead and in place thereof be
26 submitted solely on the basis of the provisions of this
27 Stipulation and Agreement.

1 2. Respondent has received, read, and understands the
2 Statement to Respondent, the Discovery Provisions of the APA, and
3 the Accusation filed by the Department of Real Estate in this
4 proceeding.

5 3. On April 28, 1998, Respondent filed a Notice of
6 Defense pursuant to Section 11505 of the Government Code for the
7 purpose of requesting a hearing on the allegations in the
8 Accusation. Respondent hereby freely and voluntarily withdraws
9 said Notice of Defense. Respondent acknowledges that she
10 understands that by withdrawing said Notice of Defense she will
11 thereby waive her right to require the Commissioner to prove the
12 allegations in the Accusation at a contested hearing held in
13 accordance with the provisions of the APA and that she will waive
14 other rights afforded to her in connection with the hearing such
15 as the right to present evidence in defense of the allegations in
16 the Accusation and the right to cross-examine witnesses.

17 4. Respondent, pursuant to the limitations set forth
18 below, hereby admits that the factual allegations or findings of
19 fact as set forth in the Accusation filed in this proceeding are
20 true and correct and the Real Estate Commissioner shall not be
21 required to provide further evidence of such allegations.

22 5. It is understood by the parties that the Real Estate
23 Commissioner may adopt the Stipulation and Agreement as his
24 Decision in this matter, thereby imposing the penalty and
25 sanctions on Respondent's real estate licenses and license rights
26 as set forth in the below "Order". In the event that the
27 Commissioner in his discretion does not adopt the Stipulation and



1 Agreement, it shall be void and of no effect, and Respondent shall
2 retain the right to a hearing and proceeding on the Accusation
3 under all the provisions of the APA and shall not be bound by any
4 admission or waiver made herein.

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

11 DETERMINATION OF ISSUES

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

16 I

17 The conduct of Respondent, as described in the
18 Accusation, constitutes cause for the suspension or revocation of
19 the real estate license and license rights of Respondent under the
20 provisions of Section 10177(h) of the Business and Professions
21 Code.

22 ORDER

23 The real estate broker license and license rights of
24 Respondent under the Real Estate Law are suspended for a period of
25 sixty (60) days from the effective date of this Order; provided,
26 however, all of said suspension shall be stayed for two (2) years
27 upon the following terms and conditions:



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1. That Respondent shall obey all laws, rules and regulations governing the rights, duties, and responsibilities of a real estate licensee in the State of California;
2. That no final subsequent determination be made, after hearing or upon stipulation, that cause for disciplinary action occurred within two (2) years of the effective date of this Order; and,
3. Should no order vacating the stay be issued in accordance with any condition of this Order, the stay imposed herein shall become permanent.

Sptank 9/16/98
 DATED

Thomas C. Lasken
 THOMAS C. LASKEN, Counsel
 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.

8-12-98
 DATED

Edna Young Carvin
 EDNA YOUNG CARVIN
 Respondent

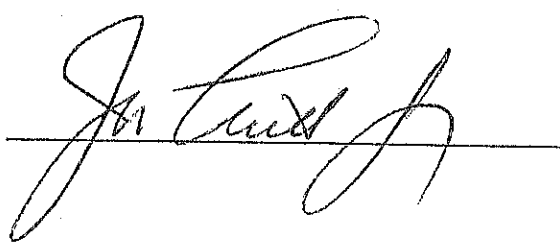
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* * *

The foregoing Stipulation and Agreement is hereby
adopted by the Real Estate Commissioner as his Decision and
Order and shall become effective at 12 o'clock noon on
December 3, 1998.

IT IS SO ORDERED 10/21, 1998.

JIM ANTT, JR.
Real Estate Commissioner



1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 187000
3 Sacramento, CA 95818-7000
4 Telephone: (916) 227-0789

FILED
NOV 13 1998
DEPARTMENT OF REAL ESTATE

By *Kathleen Contreras*

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 D. G. FINANCIAL, INC.;) NO. H-3354 SAC
13 EDNA YOUNG CARVIN; and,)
14 BRIAN VINCENT COONEY;) STIPULATION AND AGREEMENT
15 Respondents.) (AS TO D.G.FINANCIAL, INC.)

16 It is hereby stipulated by and between Respondent D. G.
17 FINANCIAL, INC. ("Respondent"); and the Complainant, acting by and
18 through Thomas C. Lasken, Counsel for the Department of Real
19 Estate; as follows for the purpose of settling and disposing of
20 the Accusation filed on April 9, 1998, in this matter:

21 1. All issues which were to be contested and all
22 evidence which was to be presented by Complainant and Respondent
23 at a formal hearing on the Accusation, which hearing was to be
24 held in accordance with the provisions of the Administrative
25 Procedure Act ("APA"), shall instead and in place thereof be
26 submitted solely on the basis of the provisions of this
27 Stipulation and Agreement.



1 2. Respondent has received, read, and understands the
2 Statement to Respondent, the Discovery Provisions of the APA, and
3 the Accusation filed by the Department of Real Estate in this
4 proceeding.

5 3. On April 28, 1998, Respondent filed a Notice of
6 Defense pursuant to Section 11505 of the Government Code for the
7 purpose of requesting a hearing on the allegations in the
8 Accusation. Respondent hereby freely and voluntarily withdraws
9 said Notice of Defense. Respondent acknowledges that it
10 understands that by withdrawing said Notice of Defense it will
11 thereby waive its right to require the Commissioner to prove the
12 allegations in the Accusation at a contested hearing held in
13 accordance with the provisions of the APA and that it will waive
14 other rights afforded to it in connection with the hearing such as
15 the right to present evidence in defense of the allegations in the
16 Accusation and the right to cross-examine witnesses.

17 4. Respondent, pursuant to the limitations set forth
18 below, hereby admits that the factual allegations or findings of
19 fact as set forth in the Accusation filed in this proceeding are
20 true and correct and the Real Estate Commissioner shall not be
21 required to provide further evidence of such allegations.

22 5. It is understood by the parties that the Real Estate
23 Commissioner may adopt the Stipulation and Agreement as his
24 Decision in this matter, thereby imposing the penalty and
25 sanctions on Respondent's real estate licenses and license rights
26 as set forth in the below "Order". In the event that the
27 Commissioner in his discretion does not adopt the Stipulation and



1 Agreement, it shall be void and of no effect, and Respondent shall
2 retain the right to a hearing and proceeding on the Accusation
3 under all the provisions of the APA and shall not be bound by any
4 admission or waiver made herein.

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

11 DETERMINATION OF ISSUES

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

16 I

17 The conduct of Respondent, as described in the
18 Accusation, constitutes cause for the suspension or revocation of
19 the real estate license and license rights of Respondent under the
20 provisions of Sections 10137 and 10138 of the Business and
21 Professions Code.

22 ORDER

23 The real estate broker license and license rights of
24 Respondent under the Real Estate Law are revoked.

25
26 September 9, 1998
27 DATED

Thomas C. Lasken
THOMAS C. LASKEN, Counsel
DEPARTMENT OF REAL ESTATE



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* * *

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.

D. G. FINANCIAL, INC.
Respondent

9-12-98
DATED

By: Edna Young Carvin
EDNA YOUNG CARVIN
Designated Officer

* * *

The foregoing Stipulation and Agreement is hereby adopted by the Real Estate Commissioner as his Decision and Order and shall become effective at 12 o'clock noon on December 3, 1998.

IT IS SO ORDERED 10/21, 1998.

JIM ANTT, JR.
Real Estate Commissioner

J. Antt Jr.



1 THOMAS C. LASKEN, Counsel
2 Department of Real Estate
3 P. O. Box 187000
4 Sacramento, CA 95818-7000

5 Telephone: (916) 227-0789

FILED
APR - 9 1998
DEPARTMENT OF REAL ESTATE

By *Juan [Signature]*

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

* * *

10 In the Matter of the Accusation of)
11 D G FINANCIAL, INC.;)
12 EDNA YOUNG CARVIN; and,)
13 BRIAN VINCENT COONEY;)
Respondents.)

NO. H-3354 SAC
ACCUSATION

14 The Complainant, Charles W. Koenig, a Deputy Real Estate
15 Commissioner of the State of California, for cause of Accusation
16 against D G FINANCIAL, INC. (hereinafter "Respondent DGF"); EDNA
17 YOUNG CARVIN (hereinafter "Respondent CARVIN"); and, BRIAN VINCENT
18 COONEY (hereinafter "Respondent COONEY"); is informed and alleges
19 as follows:

20 I

21 Respondent DGF is presently licensed and/or has license
22 rights under the Real Estate Law, Part 1 of Division 4 of the
23 Business and Professions Code (hereinafter "Code") as a real
24 estate broker corporation.

25 II

26 Respondent CARVIN is presently licensed and/or has
27 license rights under the Code as a real estate broker.



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III

Respondent COONEY is presently licensed and/or has license rights under the Code as a real estate salesperson.

IV

The Complainant, Charles W. Koenig, a Deputy Real Estate Commissioner of the State of California, makes this Accusation in his official capacity.

V

At all times herein mentioned, Respondents DGF, CARVIN, and COONEY were performing acts requiring a real estate license.

VI

At all times herein mentioned, Respondent DGF was licensed by and through Respondent CARVIN as its designated broker officer.

VII

From prior to June 16, 1996 and continuing through August 14, 1997, Respondent COONEY was employed by Respondent DGF to perform acts requiring a real estate license. Respondent COONEY's license expired on or about June 16, 1996, and remained expired until on or about August 15, 1997, when said license was renewed.

VIII

During the above period when Respondent COONEY's license was expired, Respondent DGF employed and compensated Respondent COONEY for performing acts requiring a real estate, and Respondent COONEY received and accepted compensation from Respondent DGF for said acts. Said acts include, but are not limited to, the



1 following transactions involving the purchase and sale of real
2 property:

3 20710 Edgewood Circle
4 Castro Valley, California

5 6168 Mt. Olympus
6 Castro Valley, California

7 657 Doral Drive
8 Danville, California

9 346 Herma Court
10 San Leandro, California

11 20974 Elbridge Court
12 Castro Valley, California.

13 IX

14 The facts alleged in Paragraphs VIII above constitute
15 violation of Sections 10137 and 10138 of the Code, and are cause
16 under Sections 10137 and 10138 of the Code for the suspension or
17 revocation of all licenses and license rights of Respondent DGF
18 under the Real Estate Law.

19 X

20 The facts alleged in Paragraph VIII above constitute
21 violation of Sections 10130, 10137, and 10139 of the Code, and are
22 cause under Sections 10137 and 10177(d) of the Code for the
23 suspension or revocation of all licenses and license rights of
24 Respondent COONEY under the Real Estate Law.

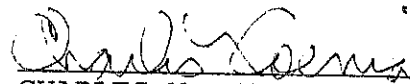
25 XI

26 During the period from on or about June 16, 1996 through
27 August 14, 1997, Respondent CARVIN, as designated broker-officer
for Respondent DGF, failed to exercise reasonable supervision and
control over the licensed activities of Respondent DGF as required



1 by Section 10159.2 of the Code. Such failure is cause for the
2 suspension or revocation of Respondent CARVIN's licenses and/or
3 license rights under Section 10177(h) of the Code.

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

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17 CHARLES W. KOENIG
18 Deputy Real Estate Commissioner
19

20 Dated at Sacramento, California,
21 this 30th day of March, 1998.
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