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DEC 20 2011

DEPARTMENT OF REAL ESTATE

BY: *[Signature]*

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BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

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In the Matter of the Application of	)	No. H-33550 LA
	)	
DAVID MACDONALD SCHWEICKERT, III,	)	
	)	
	)	
Respondent.	)	
	)	

ORDER GRANTING UNRESTRICTED LICENSE

On June 5, 2007, a Decision was rendered herein denying the real estate salesperson license of Respondent, but granting Respondent the right to the issuance of a restricted real estate salesperson license. A restricted real estate salesperson license was issued to Respondent on June 23, 2007, and Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent since that time.

On or about July 1, 2010, Respondent petitioned for removal of restrictions of said real estate salesperson license.

I have considered Respondent's petition and the evidence and arguments submitted in support thereof. Respondent has demonstrated to my satisfaction that Respondent meets the requirements of law for the issuance to Respondent of an unrestricted real estate

1 salesperson license and that it would not be against the public interest to issue said license to  
2 Respondent.

3 NOW, THEREFORE, IT IS ORDERED that Respondent's petition for removal  
4 of restrictions is granted and that a real estate salesperson license be issued to Respondent, if  
5 Respondent satisfies the following requirements:

6 1. Submits a completed application and pays the fee for a real estate salesperson  
7 license within the 12 month period following the date of this Order; and

8 2. Submits proof that Respondent has completed the continuing education  
9 requirements for renewal of the license sought. The continuing education courses must be  
10 completed either (i) within the 12 month period preceding the filing of the completed application,  
11 or (ii) within the 12 month period following the date of this Order.

12 This Order shall be effective immediately.

13 Dated: 9/28/11

14 BARBARA J. BIGBY  
15 Acting Real Estate Commissioner

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1 Department of Real Estate  
320 W. 4th Street, Suite 350  
2 Los Angeles, CA 90013-1105

3 Telephone: (213) 576-6982

**FILED**  
JUN 12 2007  
DEPARTMENT OF REAL ESTATE

By CS

7 **DEPARTMENT OF REAL ESTATE**

8 **STATE OF CALIFORNIA**

10 *In the Matter of the Application of*

11 DAVID MACDONALD SCHWEICKERT, III,

13 Respondent

)  
) No. H- 33550 LA  
) L-2007030464

) **STIPULATION AND**  
) **WAIVER**

15 I, DAVID MACDONALD SCHWEICKERT, III, respondent herein, do hereby affirm that I have  
16 applied to the Department of Real Estate for a real estate salesperson license and that to the best of my  
17 knowledge I have satisfied all of the statutory requirements for the issuance of the license, including the  
18 payment of the fee therefor.

19 I acknowledge that I have received and read the Statement of Issues and the Statement to Respondent  
20 filed by the Department of Real Estate on December 20, 2006, in connection with my application for a real  
21 estate salesperson license. I understand that the Real Estate Commissioner may hold a hearing on this  
22 Statement of Issues for the purpose of requiring further proof of my honesty and truthfulness and to prove  
23 other allegations therein, or that he may in his discretion waive the hearing and grant me a restricted real  
24 estate salesperson license based upon this Stipulation and Waiver. I also understand that by filing the  
25 Statement of Issues in this matter the Real Estate Commissioner is shifting the burden to me to make a  
26 satisfactory showing that I meet all the requirements for issuance of a real estate salesperson license. I  
27 further understand that by entering into this stipulation and waiver I will be stipulating that the Real Estate

1 Commissioner has found that I have failed to make such a showing, thereby justifying the denial of the  
2 issuance to me of an unrestricted real estate salesperson license.

3 I hereby admit that the allegations of the Statement of Issues filed against me are true and correct and  
4 request that the Real Estate Commissioner in his discretion issue a restricted real estate salesperson license  
5 to me under the authority of Section 10156.5 of the Business and Professions Code.

6 I am aware that by signing this Stipulation and Waiver, I am waiving my right to a hearing and the  
7 opportunity to present evidence at the hearing to establish my rehabilitation in order to obtain an  
8 unrestricted real estate salesperson license if this Stipulation and Waiver is accepted by the Real Estate  
9 Commissioner. However, I am not waiving my right to a hearing and to further proceedings to obtain a  
10 restricted or unrestricted license if this Stipulation and Waiver is not accepted by the Commissioner.

11 I further understand that the following conditions, limitations, and restrictions will attach to a  
12 restricted license issued by the Department of Real Estate pursuant hereto:

- 13 1. The license shall not confer any property right in the privileges to be exercised including the  
14 right of renewal, and the Real Estate Commissioner may by appropriate order suspend the right  
15 to exercise any privileges granted under this restricted license in the event of:
  - 16 a. The conviction of respondent (including a plea of nolo contendere) to a crime which bears a  
17 substantial relationship to respondent's fitness or capacity as a real estate licensee; or
  - 18 b. The receipt of evidence that respondent has violated provisions of the California Real  
19 Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or  
20 conditions attaching to this restricted license.
- 21 2. I shall not be eligible to apply for the issuance of an unrestricted real estate license nor the  
22 removal of any of the conditions, limitations, or restrictions attaching to the restricted license  
23 until two years have elapsed from the date of issuance of the restricted license to respondent.
- 24 3. With the application for license, or with the application for transfer to a new employing broker, I  
25 shall submit a statement signed by the prospective employing broker on a form approved by the  
26 Department of Real Estate wherein the employing broker shall certify as follows:  
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- a. That broker has read the Statement of Issues which is the basis for the issuance of the restricted license; and
- b. That broker will carefully review all transaction documents prepared by the restricted licensee and otherwise exercise close supervision over the licensee's performance of acts for which a license is required.

Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and Waiver by faxing a copy of the signature page, as actually signed by respondent, to the Department at fax number (213) 576-6917. Respondent agrees, acknowledges and understands that by electronically sending to the Department a fax copy of his actual signature as it appears on the Stipulation and Waiver, that receipt of the faxed copy by the Department shall be as binding on Respondent as if the Department had received the original signed Stipulation and Waiver.

5/02/07  
Dated

David Schweickert  
DAVID MACDONALD SCHWEICKERT, III, Respondent

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I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and truthfulness of respondent need not be called and that it will not be inimical to the public interest to issue a restricted real estate salesperson license to respondent.

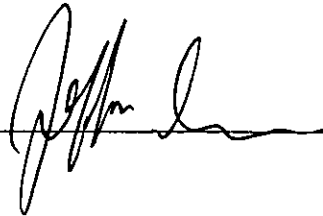
Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to respondent DAVID MACDONALD SCHWEICKERT, III if respondent has otherwise fulfilled all of the statutory requirements for licensure. The restricted license shall be limited, conditioned, and restricted as specified in the foregoing Stipulation and Waiver.

This Order is effective immediately.

IT IS SO ORDERED

6-5-07

Jeff Davi  
Real Estate Commissioner



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1 LISSETE GARCIA, Counsel (SBN 211552)  
2 Department of Real Estate  
3 320 West 4th Street, Suite 350  
4 Los Angeles, California 90013-1105

5 Telephone: (213) 576-6982  
6 (Direct) (213) 576-6914

**FILED**  
DEC 20 2006  
DEPARTMENT OF REAL ESTATE

By C

7  
8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

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11  
12 In the Matter of the Application of ) NO. H-33550 LA  
13 DAVID MACDONALD SCHWEICKERT, III, ) STATEMENT OF ISSUES  
14 Respondent. )  
15 )

16 The Complainant, Janice Waddell, a Deputy Real Estate  
17 Commissioner of the State of California, for Statement of Issues  
18 against DAVID MACDONALD SCHWEICKERT, III ("Respondent"), is  
19 informed and alleges in her official capacity as follows:

20 I

21 On or about August 17, 2006, Respondent made  
22 application to the Department of Real Estate of the State of  
23 California for a real estate salesperson license.

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II

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2 On or about July 23, 2003, in the Superior Court of  
3 California, County of Orange, Case No. 03HF0563, Respondent pled  
4 guilty to and was convicted of violating Health and Safety Code  
5 Sections 11378 (possession for sale of a controlled substance:  
6 psilocybin) and 11351 (possession for sale of a controlled  
7 substance: cocaine); felonies. The underlying facts of said  
8 crimes involve moral turpitude and bear a substantial  
9 relationship under Section 2910, Title 10, Chapter 6, California  
10 Code of Regulations, to the qualifications, functions or duties  
11 of a real estate licensee.

12  
13 III

14 The crimes of which Respondent was convicted, as  
15 alleged in Paragraph II above, constitute cause for denial of  
16 Respondent's application for a real estate license under  
17 Business and Professions Code Sections 475(a)(2), 480(a), and  
18 10177(b).

19 These proceedings are brought under the provisions of  
20 Section 10100, Division 4 of the Business and Professions Code  
21 of the State of California and Sections 11500 through 11528 of  
22 the California Government Code.

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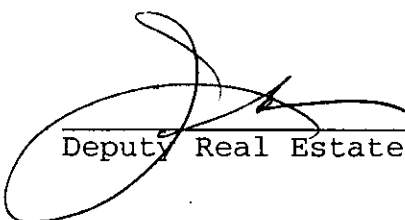
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1 WHEREFORE, the Complainant prays that the above-  
2 entitled matter be set for hearing and, upon proof of the  
3 charges contained herein, that the Commissioner refuse to  
4 authorize the issuance of, and deny the issuance of, a real  
5 estate salesperson license to Respondent, DAVID MACDONALD  
6 SCHWEICKERT, III, and for such other and further relief as may  
7 be proper in the premises.

8 Dated at Los Angeles, California

9 this 15 day of December, 2006.

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13 Deputy Real Estate Commissioner  
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24 cc: David Mac Donald Schweickert, III  
25 David Mac Donald Schweickert, Jr./Streamline Mortgage  
26 Sacto.  
27 Janice Waddell