

By Laura B. Orona

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of) NO. H-1621 SA
DENNIS LAROY PAQUETTE)
Respondent.)

ORDER GRANTING REINSTATEMENT OF LICENSE

On December 29, 1993, a Decision was rendered herein revoking the real estate broker license of Respondent, DENNIS LAROY PAQUETTE (hereinafter "Respondent"), effective February 9, 1994. In said Decision Respondent was given the right to apply for and receive a restricted real estate broker license which was issued to him on February 9, 1994.

On April 5, 1995, Respondent petitioned for reinstatement of said real estate broker license and the Attorney General of the State of California has been given notice of the filing of said petition.

I have considered Respondent's petition and the evidence and arguments in support thereof. Respondent has demonstrated to my satisfaction that grounds do not presently

1 exist to deny the issuance of an unrestricted real estate
2 broker license to Respondent.

3 NOW, THEREFORE, IT IS ORDERED that Respondent's
4 petition for reinstatement is granted and that an
5 unrestricted real estate broker license be issued to
6 Respondent, DENNIS LAROY PAQUETTE, after Respondent satisfies
7 the following conditions within one (1) year from the date of
8 this Order:

9 1. Submittal of a completed application and
10 payment of the fee for a real estate broker license.

11 2. Submittal of evidence satisfactory to the Real
12 Estate Commissioner that Respondent has, since February 9,
13 1994, taken and successfully completed the continuing
14 education requirements of Article 2.5 of Chapter 3 of the
15 Real Estate Law for renewal of a real estate license.

16
17 This Order shall become effective immediately.

18 DATED: 9-7-95
19

20 JIM ANTT, JR.
21 Real Estate Commissioner
22 
23

24 DENNIS LAROY PAQUETTE
25 18281 Warren Ave.
26 Tustin, California 92680
27

1 Department of Real Estate
107 South Broadway, Room 8107
2 Los Angeles, California 90012
3 (213) 897-3937

JAN 20 1994

H. Mederholt

8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * * *

11 In the Matter of the Accusation of) No. H-1621 SA
12 DENNIS LAROY PAQUETTE,) STIPULATION AND AGREEMENT
13 Respondent.) IN SETTLEMENT AND ORDER
14

15 It is hereby stipulated by and between DENNIS LAROY
16 PAQUETTE (sometimes referred to as Respondent) and the Complainant,
17 acting by and through Sean Crahan, Counsel for the Department of
18 Real Estate, as follows for the purpose of settling and disposing
19 of the Accusation filed on August 5, 1993, in this matter:

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

27 2. Respondent has received, read and understands the

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

4 3. On August 23, 1993, Respondent filed a Notice of
5 Defense pursuant to Section 11505 of the Government Code for the
6 purpose of requesting a hearing on the allegations in the
7 Accusation. Respondent hereby freely and voluntarily withdraws
8 said Notice of Defense. Respondent acknowledges that he
9 understands that by withdrawing said Notice of Defense, he will
10 thereby waive his right to require the Commissioner to prove the
11 allegations in the Accusation at a contested hearing held in
12 accordance with the provisions of the APA and that he will waive
13 other rights afforded to him in connection with the hearing such as
14 the right to present evidence in defense of the allegations in the
15 Accusation and the right to cross-examine witnesses.

16 4. Respondent, pursuant to the limitations set forth
17 below, hereby admits that the factual allegations in paragraphs one
18 (I) through six (VI) of the Accusation filed in this proceeding are
19 true and correct and the Real Estate Commissioner shall not be
20 required to provide further evidence to prove those allegations.

21 5. It is understood by the parties that the Real Estate
22 Commissioner may adopt the Order in this Stipulation as his
23 decision and order in this matter thereby imposing the penalty and
24 sanctions on Respondent's real estate licenses and/or license
25 rights as set forth in the below Order. In the event that the
26 Commissioner in his discretion does not adopt the Stipulation, the
27 Stipulation And Agreement In Settlement shall be void and of no

1 effect, and Respondent shall retain the right to a hearing and
2 proceeding on the Accusation under all the provisions of the APA
3 and shall not be bound by any admission or waiver made herein.

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

10 7. The below Determination of Issues contains a
11 determination that Respondent has violated Business and Professions
12 Code (hereafter Code) Section 10145 or a regulation of the Real
13 Estate Commissioner interpreting Code Section 10145, or both.
14 Respondent is aware that by agreeing to this Stipulation And
15 Agreement In Settlement, if the findings set forth below in the
16 Determination of Issues become final, the Commissioner may charge
17 Respondent for an audit of himself, individually, or of Diversified
18 Real Property Management and Business Services, Inc., for the costs
19 of an audit conducted pursuant to Section 10148 of the Code to
20 determine if Respondent or Diversified Real Property Management and
21 Business Services, Inc. is in compliance with the Real Estate Law.
22 The maximum costs of said audit will not exceed \$900.00.

23 DETERMINATION OF ISSUES

24 By reason of the foregoing stipulations, admissions and
25 waivers and solely for the purpose of settlement of the pending
26 Accusation without a hearing, it is stipulated and agreed that the
27 following Determination of Issues shall be made:

1 The conduct or omissions of Respondent as set forth in
2 paragraphs one (I) through six (VI) of the Accusation constitute
3 cause to suspend or revoke his real estate broker license and/or
4 license rights under the provisions of Code Sections 10176(e),
5 10176(i) and 10177(d) for violations of Code Section 10145 and
6 Regulations 2830, 2831, 2831.2 and 2832.1 of Title 10, Chapter 6 of
7 the California Code of Regulations (hereafter Regulations).

8 ORDER

9 WHEREFORE, THE FOLLOWING ORDER is hereby made:

10 A. The real estate broker licenses and license rights of
11 Respondent DENNIS LAROY PAQUETTE under Part 1 of Division 4 of the
12 Business and Professions Code are revoked.

13 B. However, Respondent DENNIS LAROY PAQUETTE shall be
14 entitled to apply for and be issued restricted real estate broker
15 licenses pursuant to Section 10156.5 of the Code if Respondent
16 makes application therefor and pays to the Department of Real
17 Estate the appropriate fee for said licenses within ninety (90)
18 days from the effective date of the Decision.

19 C. The new restricted real estate broker licenses issued
20 to Respondent shall be suspended for thirty (30) days from the
21 effective date of this Order. However, if Respondent petitions,
22 the thirty (30) day suspension of Respondent's restricted licenses
23 shall be permanently stayed upon condition that Respondent pay to
24 the Department's Recovery Account \$1,500 prior to the effective
25 date of this Order, in accordance with the provisions of Business
26 and Professions Code Section 10175.2.

27 (1) Payment of the aforementioned monetary penalty

1 shall be in the form of a cashier's check or certified check, made
2 payable to the Recovery Account of the Real Estate Fund. Payment
3 must be made prior to the effective date of this Order.

4 (2) The Commissioner, in exercising his discretion
5 under Code Section 10175.2, finds, by adopting this Order, that it
6 would not be against the public interest to permit Respondent to
7 pay the aforesaid monetary penalty.

8 D. The restricted licenses issued to Respondent DENNIS
9 LAROY PAQUETTE shall be subject to all of the provisions of Section
10 10156.7 of the Business and Professions Code and to the following
11 limitations, conditions and restrictions imposed under authority of
12 Section 10156.6 of said Code:

13 (1) The restricted license may be suspended prior
14 to hearing by order of the Real Estate Commissioner in the event of
15 Respondent DENNIS LAROY PAQUETTE's conviction or plea of nolo
16 contendere to a crime which bears a significant relation to
17 Respondent's qualifications, duties or functions as a real estate
18 licensee.

19 (2) The restricted license may be suspended prior
20 to hearing by Order of the Real Estate Commissioner on evidence
21 satisfactory to the Commissioner that Respondent DENNIS LAROY
22 PAQUETTE has violated provisions of the California Real Estate Law,
23 the Subdivided Lands Law, Regulations of the Real Estate
24 Commissioner, or the conditions attaching to these restricted
25 licenses.

26 (3) Respondent DENNIS LAROY PAQUETTE shall report
27 in writing to the Department of Real Estate as the Real Estate

1 Commissioner shall direct by his Order herein or by separate
2 written order issued while Respondent holds a restricted license,
3 such information concerning Respondent's activities for which a
4 real estate license is required as the Commissioner shall deem to
5 be appropriate to protect the public interest.

6 (4) Respondent DENNIS LAROY PAQUETTE shall not be
7 eligible to apply for the issuance of an unrestricted real estate
8 license nor the removal of any of the conditions, limitations or
9 restrictions of a restricted license until one (1) year has elapsed
10 from the date of issuance of the restricted license to Respondent.

11 (5) Respondent shall, within nine months from the
12 effective date of this Decision, present evidence satisfactory to
13 the Real Estate Commissioner that Respondent has, since the most
14 recent issuance of an original or renewal real estate license,
15 taken and successfully completed the continuing education
16 requirements of Article 2.5 of Chapter 3 of the Real Estate Law for
17 renewal of a real estate license. If Respondent fails to satisfy
18 this condition, the Commissioner may order the suspension of the
19 restricted license until the Respondent presents such evidence.
20 The Commissioner shall afford Respondent the opportunity for a
21 hearing pursuant to the Administrative Procedure Act to present
22 such evidence.

23 (6) Respondent shall, within six months from the
24 effective date of this Decision, take and pass the Professional
25 Responsibility Examination administered by the Department including
26 the payment of the appropriate examination fee. If Respondent
27 fails to satisfy this condition, the Commissioner may order

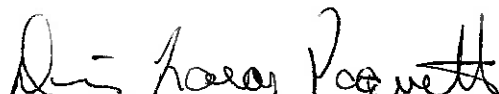
1 suspension of Respondent's license until Respondent passes the
2 examination.

3 (7) Pursuant to Code Section 10148, Respondent
4 DENNIS LAROY PAQUETTE shall pay the Commissioner's reasonable cost
5 for an audit of him individually or of Diversified Real Property
6 Management and Business Services, Inc. to determine if Respondent,
7 or Diversified Real Property Management and Business Services,
8 Inc., has corrected the trust fund violation(s) found in the
9 Determination of Issues. In calculating the amount of the
10 Commissioner's reasonable cost, the Commissioner may use the
11 estimated average hourly salary for all persons performing audits
12 of real estate brokers, and shall include an allocation for travel
13 time to and from the auditor's place of work. The cost of said
14 chargeable audit shall not exceed \$900. Respondent shall pay such
15 cost within 45 days of receiving an invoice from the Commissioner
16 detailing the activities performed during the audit and the amount
17 of time spend performing those activities. The Commissioner may
18 suspend the restricted license issued to Respondent pending a
19 hearing held in accordance with Section 11500, et. seq., of the
20 Government Code, if payment is not timely made as provided for
21 herein, or as provided for in a subsequent agreement between the
22 Respondent and the Commissioner. The suspension shall remain in
23 effect until payment is made in full or until Respondent enters
24 into an agreement satisfactory to the Commissioner to provide for
25 payment, or until a decision providing otherwise is adopted
26 following a hearing held pursuant to this condition. The
27 suspension will remain in effect until payment is made in full, or

1 until Respondent enters into an agreement satisfactory to the
2 Commissioner to provide for payment, or until a decision providing
3 otherwise is adopted following a hearing pursuant to this
4 condition.

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

16
17 DATED: 12/15/93


DENNIS LAROY PAQUETTE
Respondent.

18
19 DATED: 12-17-93


SEAN CRAHAN, Counsel for
Complainant.

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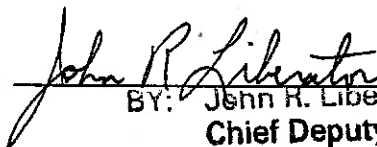
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The foregoing Stipulation And Agreement In Settlement is
hereby adopted as my Decision and Order and shall become effective
at 12 o'clock noon on February 9, 1994.

IT IS SO ORDERED December 29, 1993.

CLARK WALLACE
Real Estate Commissioner


BY: John R. Liberator
Chief Deputy Commissioner

facto
2/28

JAMES R. PEEL, Counsel
Department of Real Estate
107 South Broadway, Room 8107
Los Angeles, California 90012

(213) 897-3937

AUG-5 1993

DEPARTMENT OF REAL ESTATE
BY K. Knecht

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of)	No. H-1621 SA
DENNIS LAROY PAQUETTE,)	
Respondent.)	A C C U S A T I O N

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, for cause of accusation against DENNIS LAROY PAQUETTE, alleges as follows:

I

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

II

DENNIS LAROY PAQUETTE (hereinafter referred to as 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, hereinafter Code).

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III

At all times herein mentioned, respondent was licensed by the Department of Real Estate of the State of California (hereinafter Department) as a real estate broker.

IV

At all times herein mentioned, respondent engaged in the business of, acted in the capacity of, advertised or assumed to act as a real estate broker in the State of California within the meaning of Section 10131(b) of the Code, including soliciting renters and owners and collecting rents from real properties on behalf of others for or in expectation of compensation.

V

During 1991 and 1992, in connection with the aforesaid real estate brokerage activities, respondent accepted or received funds from renters and owners and thereafter made disbursements of such funds. These funds were deposited by respondent in his property management trust account at Wells Fargo Bank, Tustin.

VI

In connection with respondent's activities as a real estate broker as described above, respondent acted in violation of the Real Estate Law, Business and Professions Code (hereinafter Code), and California Code of Regulations (hereinafter Regulations), Title 10, Chapter 6, as follows:

1. Respondent violated Section 10145(a) of the Code, and Regulation 2832.1 by having an established shortage in the trust account of \$15,202.44 as of December 31, 1992.

1
2 2. Respondent violated Section 10176(e) of the Code by
3 commingling trust funds received on behalf of clients and placed
4 in his trust account with his own funds and his own properties.

5 3. Respondent violated Section 10176(i) of the Code by
6 misappropriating trust funds received on behalf of clients and
7 placed in his trust account for the use and benefit of properties
8 owned by respondent

9 4. Respondent violated Regulation 2830 in that the
10 trust account was not in the broker's name as trustee.

11 5. Respondent violated Regulation 2831 by failing to
12 maintain columnar records of all trust funds received and
13 disbursed.

14 6. Respondent violated Regulation 2831.2 by failing to
15 perform a reconciliation of records maintained pursuant to
16 Regulation 2831 with records maintained pursuant to Regulation
17 2831.1.

18 VII

19 The conduct of respondent, as alleged above, subjects
20 his real estate licenses and license rights to suspension or
21 revocation pursuant to Sections 10177(d), 10177(g), 10176(e) and
22 10176(i) of the Code.

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1 WHEREFORE, Complainant prays that a hearing be
2 conducted on the allegations of this Accusation and, that upon
3 proof thereof, a decision be rendered imposing disciplinary action
4 against all licenses and license rights of Respondent DENNIS LAROY
5 PAQUETTE under the Real Estate Law and for such other and further
6 relief as may be proper under other applicable provisions of law.
7 Dated at Los Angeles, California
8 this 5th day of August, 1993.
9

10 THOMAS MC CRADY
11 Deputy Real Estate Commissioner
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25 cc: Dennis Laroy Paquette
26 Sacto
27 SR