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DEPARTMENT OF REAL ESTATE

By 

**DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA**

In the Matter of the Application of

DANIEL JAMES ENGLE

Respondent

No. H- 3256 SD

**STIPULATION AND
WAIVER**

It is hereby stipulated by and between DANIEL JAMES ENGLE (hereinafter "Respondent") and Respondent's attorney, Frank M. Buda, and the Complainant, acting by and through Truly Sughrue, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Statement of Issues filed on August 11, 2005 in this matter:

Respondent acknowledges that Respondent has received and read the Statement of Issues and the Statement to Respondent filed by the Department of Real Estate in connection with Respondent's application for a real estate broker license. Respondent understands that the Real Estate Commissioner may hold a hearing on this Statement of Issues for the purpose of requiring further proof of Respondent's honesty and truthfulness and to prove other allegations therein, or that he may in his discretion waive the hearing and grant Respondent a restricted real estate broker license based upon this Stipulation and Waiver. Respondent also understands that by filing the Statement of Issues in this matter the Real Estate Commissioner is shifting the burden to Respondent to make a satisfactory showing that Respondent meets all the requirements for issuance of a real estate broker license. Respondent further understands that by

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1 entering into this stipulation and waiver, Respondent will be stipulating that the Real Estate Commissioner
2 has found that Respondent has failed to make such a showing, thereby justifying the denial of the issuance
3 to Respondent of an unrestricted real estate broker license.

4 Respondent hereby admits that the allegations of the Statement of Issues filed against Respondent are
5 true and correct and requests that the Real Estate Commissioner in his discretion issue a restricted real
6 estate broker license to Respondent under the authority of Section 10156.5 of the Business and Professions
7 Code.

8 Respondent is aware that by signing this Stipulation and Waiver, Respondent is waiving Respondent's
9 right to a hearing and the opportunity to present evidence at the hearing to establish Respondent's
10 rehabilitation in order to obtain an unrestricted real estate broker license if this Stipulation and Waiver is
11 accepted by the Real Estate Commissioner. However, Respondent is not waiving Respondent's right to a
12 hearing and to further proceedings to obtain a restricted or unrestricted license if this Stipulation and
13 Waiver is not accepted by the Commissioner.

14 Respondent further understands that the following conditions, limitations, and restrictions will attach
15 to a restricted license issued by the Department of Real Estate pursuant hereto:

16 1. The license shall not confer any property right in the privileges to be exercised including the
17 right of renewal, and the Real Estate Commissioner may by appropriate order suspend the right
18 to exercise any privileges granted under this restricted license in the event of:

19 a. The conviction of Respondent (including a plea of nolo contendere) to a crime which bears
20 a substantial relationship to Respondent's fitness or capacity as a real estate licensee; or

21 b. The receipt of evidence that Respondent has violated provisions of the California Real
22 Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner, or
23 conditions attaching to this restricted license.

24 2. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license
25 nor the removal of any of the conditions, limitations, or restrictions attaching to the restricted
26 license until two years have elapsed from the date of issuance of the restricted license to
27 Respondent.

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1
2 7-Nov-05

3 Dated


TRUELY SUOHRUE, Counsel, Department of Real Estate

4 ***

5 I have read the Stipulation and Waiver, have discussed it with my counsel, and its terms are
6 understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me
7 by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509,
8 and 11513 of the Government Code), and I willingly, intelligently, and voluntarily waive those rights,
9 including the right of a hearing on the Statement of Issues at which I would have the right to cross-examine
10 witnesses against me and to present evidence in defense and mitigation of the charges.

11 Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and
12 Waiver by faxing a copy of the signature page, as actually signed by respondent, to the Department at fax
13 number (916) 227-9458. Respondent agrees, acknowledges and understands that by electronically sending
14 to the Department a fax copy of his actual signature as it appears on the Stipulation and Waiver, that receipt
15 of the faxed copy by the Department shall be as binding on Respondent as if the Department had received
16 the original signed Stipulation and Waiver.

17
18 10-26-05

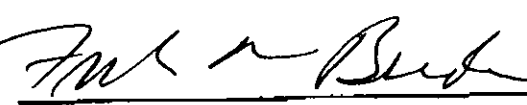
19 Dated


DANIEL JAMES ENGLE, Respondent

20 I have reviewed the Stipulation and Waiver as to form and content and have advised my client
21 accordingly.

22 10-26-05

23 Dated


FRANK M. BUDA, Attorney for Respondent

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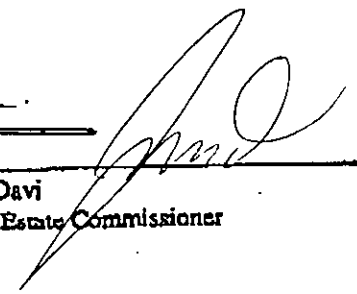
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I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by Respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and truthfulness of Respondent need not be 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 broker license be issued to Respondent, 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 11/16/05


Jeff Davi
Real Estate Commissioner

1 MICHAEL B. RICH, Counsel
2 State Bar No. 84257
3 Department of Real Estate
4 P.O. Box 187007
5 Sacramento, CA 95818-7007
6
7 Telephone: (916) 227-0789

FILED
AUG 11 2005

DEPARTMENT OF REAL ESTATE

By *[Signature]*

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)
12 DANIEL JAMES ENGLE,) H-3256 SD
13 Respondent.) STATEMENT OF ISSUES
14)

15 The Complainant, J. CHRIS GRAVES, a Deputy Real
16 Estate Commissioner of the State of California, for Statement of
17 Issues against DANIEL JAMES ENGLE (hereinafter "Respondent"), is
18 informed and alleges as follows:

19 I

20 Respondent made application to the Department of Real
21 Estate of the State of California for a real estate broker
22 license on or about May 13, 2004.

23 II

24 Complainant, J. CHRIS GRAVES, a Deputy Real Estate
25 Commissioner of the State of California, makes this Statement of
26 Issues in his official capacity and not otherwise.

27 ///

1 III

2 On or about October 4, 1988, in the Municipal Court,
3 County of Ventura, Respondent was convicted of violating Section
4 242 of the California Penal Code (Battery) and Section 484(a) of
5 the California Penal Code (Theft), crimes involving moral
6 turpitude and/or crimes which bear a substantial relationship
7 under Section 2910, Title 10, California Code of Regulations, to
8 the qualifications, functions, or duties of a real estate
9 licensee.

10 IV

11 On or about August 7, 1995, in the Municipal Court,
12 County of San Diego, in case number T147015, Respondent was
13 convicted of violating Section 23152(a) of the California
14 Vehicle Code (Unlawfully driving a vehicle while under the
15 influence of alcohol) and Section 23152(b) of the California
16 Vehicle Code (Driving with a Blood Alcohol Level of .08% or
17 More), a crime involving moral turpitude and/or a crime which
18 bears a substantial relationship under Section 2910, Title 10,
19 California Code of Regulations, to the qualifications,
20 functions, or duties of a real estate licensee.

21 V

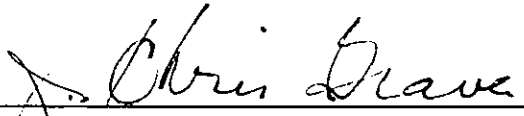
22 On or about September 8, 1999, in the Superior Court,
23 County of San Diego, in case number T208214, Respondent was
24 convicted of violating Section 23152(a) of the California
25 Vehicle Code (Unlawfully driving a vehicle while under the
26 influence of alcohol), a crime involving moral turpitude and/or
27 a crime which bears a substantial relationship under Section

1 2910, Title 10, California Code of Regulations, to the
2 qualifications, functions, or duties of a real estate licensee.

3 VI

4 The crimes of which Respondent was convicted, as
5 alleged in Paragraphs III, IV and V, above, individually and/or
6 collectively, constitute cause for denial of Respondent's
7 application for a real estate license under Sections 480(a)
8 and/or 10177(b) of the California Business and Professions Code.

9 WHEREFORE, the Complainant prays that the above-
10 entitled matter be set for hearing and, upon proof of the
11 charges contained herein, that the Commissioner refuse to
12 authorize the issuance of, and deny the issuance of, a real
13 estate salesperson license to Respondent, and for such other and
14 further relief as may be proper under other provisions of law.

15
16 
17 J. CHRIS GRAVES
18 Deputy Real Estate Commissioner

19 Dated at San Diego, California,
20 this 20th day of July, 2005.