

FILED

AUG 30 2002

DEPARTMENT OF REAL ESTATE

By Jean Runch

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of)
DENNIS HOWARD McNEIL,) NO. H-3434 SAC
Respondent.)

ORDER GRANTING UNRESTRICTED LICENSE

On June 2, 1999, an Order was rendered herein denying the Respondent's application for real estate license, but granting Respondent the right to the issuance of a restricted real estate broker license. A restricted real estate broker license was issued to Respondent on July 2, 1999, and Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent.

On September 4, 2001, Respondent petitioned for the removal of restrictions attaching to Respondent's real estate broker license.

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1 I have considered the petition of Respondent and the
2 evidence and arguments in support thereof. Respondent has
3 demonstrated to my satisfaction that Respondent meets the
4 requirements of law for the issuance to Respondent of an
5 unrestricted real estate broker license and that it would not be
6 against the public interest to issue said license to Respondent.

7 NOW, THEREFORE, IT IS ORDERED that Respondent's
8 petition for removal of restrictions is granted and that a real
9 estate broker license be issued to Respondent, if Respondent
10 satisfies the following conditions within nine months from the
11 date of this Order:

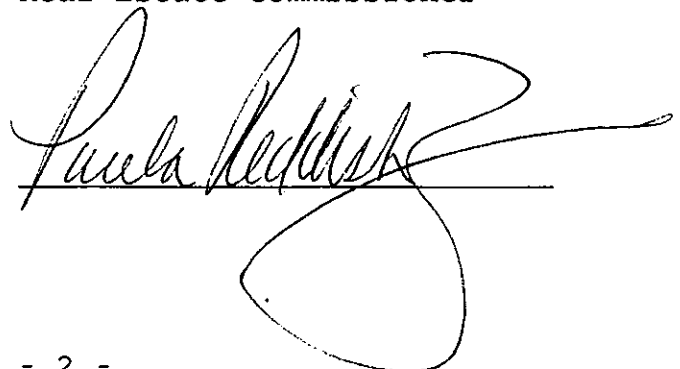
12 1. Submittal of a completed application and payment of
13 the fee for a real estate broker license.

14 2. Submittal of evidence of having, since the most
15 recent issuance of an original or renewal real estate license,
16 taken and successfully completed the continuing education
17 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
18 for renewal of a real estate license.

19 This Order shall become effective immediately.

20 DATED: August 21, 2002
21 _____

22 PAULA REDDISH ZINNEBANN
23 Real Estate Commissioner

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FILED
JUN 17 1999

DEPARTMENT OF REAL ESTATE

By Laurie A. Zain

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

♦ ♦ ♦

In the Matter of the Application of)

DENNIS HOWARD McNEIL,)

Respondent.)

No. H-3434 SAC

STIPULATION AND WAIVER

I, DENNIS HOWARD McNEIL, respondent herein, do hereby affirm that I have applied to the Department of Real Estate for a real estate broker license and that to the best of my knowledge I have satisfied all of the statutory requirements for the issuance of the license, including the payment of the fee therefor.

I acknowledge that I have received and read the Statement of Issues and the Statement to Respondent filed by the Department of Real Estate on March 11, 1999, in connection with my application for a real estate broker license. I understand that the Real Estate Commissioner may hold a hearing on this Statement of Issues for the purpose of requiring further proof of my honesty and truthfulness and to prove other allegations therein, or that he may in his discretion waive the hearing and grant me a restricted real estate broker license based upon this Stipulation and Waiver. I also understand that by filing the Statement of Issues in this matter the Real Estate Commissioner is shifting the burden to me to make a satisfactory showing that I meet all the requirements for issuance of a real estate broker license. I further understand that by entering into this stipulation and waiver I will be stipulating that the Real Estate Commissioner has found

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

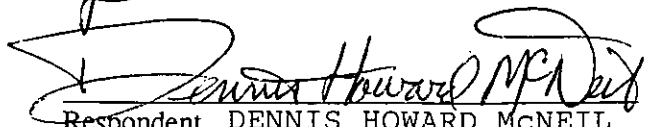
3 I hereby admit that the allegations of the Statement of Issues filed against me are true and correct and
4 request that the Real Estate Commissioner in his discretion issue a restricted real estate broker license to me
5 under the authority of Section 10156.5 of the Business and Professions Code.

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

11 I further understand that the following conditions, limitations and restrictions will attach to a restricted
12 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, and the Real Estate
14 Commissioner may by appropriate order suspend the right to exercise any privileges granted under
15 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 Estate
19 Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions
20 attaching to this restricted license.
- 21 2. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor
22 the removal of any of the conditions, limitations or restrictions attaching to the restricted license
23 until one year has elapsed from the date of issuance of the restricted license to respondent.

24 DATED this 13th day of May, 19 99.

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26 
27 Respondent DENNIS HOWARD MCNEIL

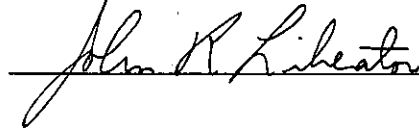
1 I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by
2 respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and
3 truthfulness of respondent need not be called and that it will not be inimical to the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

5 Therefore, IT IS HEREBY ORDERED that a restricted real estate broker license be issued to respondent
6 DENNIS HOWARD MCNEIL if respondent has otherwise fulfilled all of the
7 statutory requirements for licensure. The restricted license shall be limited, conditioned and restricted as
8 specified in the foregoing Stipulation and Waiver.

9 This Order is effective immediately.

10 DATED this 2nd day of June, 19 99.

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12 JOHN R. LIBERATOR
Acting Real Estate Commissioner

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
APR 12 1999
DEPARTMENT OF REAL ESTATE

Laurie P. Zia

In the Matter of the Application of

DENNIS HOWARD McNEIL,

Case No. H-3434 SAC

OAH No. N-1999040106

Respondent

NOTICE OF HEARING ON APPLICATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at the
Office of Administrative Hearings, 560 J Street, Suite 340/360,
Sacramento, CA 95814

on Friday, May 21, 1999, at the hour of 9:00 AM,
or as soon thereafter as the matter can be heard, upon the Statement of Issues served upon you. If you object to the place
of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within
ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days
will deprive you of a change in the place of the hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You
are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent
yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the
Department may take disciplinary action against you based upon any express admission or other evidence including
affidavits, without any notice to you.

The burden of proof is upon you to establish that you are entitled to the license or other action sought. If you are
not present nor represented at the hearing, the Department may act upon your application without taking evidence.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses
testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the
production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who
does not proficiently speak the English language, you must provide your own interpreter and pay for his or her costs.
The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: April 12, 1999

By *David A. Peters*
DAVID A. PETERS Counsel

1 DAVID A. PETERS, Counsel (SBN 99528)
2 Department of Real Estate
3 P. O. Box 187000
4 Sacramento, CA 95818-7000

5 Telephone: (916) 227-0789
6 -or- (916) 227-0781 (Direct)

FILED
MAR 11 1999

DEPARTMENT OF REAL ESTATE

By *Laurie A. Zinn*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)

No. H-3434 SAC

12 DENNIS HOWARD McNEIL,)

STATEMENT OF ISSUES

13 Respondent.)
14

15 The Complainant, Charles W. Koenig, a Deputy Real Estate
16 Commissioner of the State of California, for Statement of Issues
17 against DENNIS HOWARD McNEIL (hereinafter "Respondent"), alleges
18 as follows:

19 FIRST CAUSE OF ACCUSATION

20 I

21 Respondent made application to the Department of Real
22 Estate of the State of California for a real estate broker license
23 on or about July 28, 1998.

24 II

25 Complainant, Charles W. Koenig, a Deputy Real Estate
26 Commissioner of the State of California, makes this Statement of
27 Issues in his official capacity.

1 III

2 Beginning on or after October 31, 1991 and continuing
3 through on or after March 31, 1993, Respondent, a real estate
4 salesperson, engaged in the business of, acted in the capacity of,
5 advertised or assumed to act as a real estate broker in the State
6 of California, within the meaning of Section 10131(b) of the
7 Business and Professions Code (hereinafter "the Code") wherein
8 Respondent for or in expectation of a compensation solicited
9 prospective tenants for, negotiated rental agreements for and
10 collected rents from real properties owned by another or others in
11 violation of Section 10130 of the Code in conjunction with Section
12 10177(d) of the Code.

13 IV

14 In connection with the property management activities
15 described in Paragraph III above, Respondent received and
16 disbursed trust funds and in so doing, Respondent failed to
17 immediately deliver the funds to his broker under whom he was
18 licensed, place the funds into the hands of the broker's
19 principal, into a neutral escrow depository, or deposit the funds
20 into the broker's trust fund account in violation of Section
21 10145(c) of the Code in conjunction with Section 10177(d) of the
22 Code.

23 V

24 In connection with the property management activities
25 described in Paragraph III above, Respondent received and
26 disbursed funds held in trust on behalf of another or others.

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1 VI

2 In connection with the receipt and disbursement of trust
3 funds described in Paragraph V above, Respondent commingled with
4 his own money or property, the money or property of others
5 received and held by him in violation of Section 10176(e) of the
6 Code.

7 VII

8 In connection with the property management activities
9 described in Paragraph III above, Respondent accepted compensation
10 for acts for which a real estate license is required from persons
11 other than the broker under whom Respondent was employed in
12 violation of Section 10137 of the Code.

13 VIII

14 The acts and/or omissions of Respondent described above,
15 constitute cause for denial of Respondent's application for a real
16 estate broker license under Sections 10177(d) and 10177(f) of the
17 Code.

18 SECOND CAUSE OF ACCUSATION

19 IX

20 There is hereby incorporated in this second, separate
21 and distinct cause of Accusation, all of the allegations contained
22 in Paragraphs I and II of the First Cause of Accusation with the
23 same force and effect as if herein fully set forth.

24 X

25 On or about October 24, 1995, effective November 16,
26 1995, in Case No. H-3055 SAC, the Real Estate Commissioner revoked
27 the real estate salesperson license of Respondent and granted the

1 right to a restricted salesperson license on terms and conditions
2 for violation of Sections 10176(e) and 10137 of the Code, and
3 Section 10177(d) of the Code in conjunction with Sections 10145(c)
4 and 10130 of the Code.

5 XI

6 The facts alleged above, constitute cause for denial of
7 Respondent's application for a real estate broker license under
8 Sections 10177(d) and 10177(f) of the Code.

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

15
16 
17 CHARLES W. KOENIG
18 Deputy Real Estate Commissioner

18 Dated at Sacramento, California,
19 this 4th day of March, 1999.
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