

FILED

APR 29 2011

1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 187007
3 Sacramento, CA 95818-7007
4 Telephone: (916) 227-0789

DEPARTMENT OF REAL ESTATE

By M. Wilson

9 BEFORE THE
10 DEPARTMENT OF REAL ESTATE
11 STATE OF CALIFORNIA

12 * * *

14 In the Matter of the Accusation of)	NO. H-4110 SD
)	
15 CHARLES DANIEL BRENNAN,)	<u>STIPULATION AND</u>
)	<u>AGREEMENT</u>
16 Respondent.)	
)	

17
18 It is hereby stipulated by and between CHARLES DANIEL BRENNAN (herein
19 "Respondent") and his attorney MARY E. WORK, and the Complainant, acting by and through
20 ANNETTE E. FERRANTE, Counsel for the Department of Real Estate, as follows, for the
21 purpose of settling and disposing the Accusation filed on May 23, 2010, in this matter:

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

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

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

13 4. This Stipulation is based on the factual allegations contained in the
14 Accusation. In the interests of expedience and economy, Respondent chose not to contest these
15 allegations, but to remain silent and understands that, as a result thereof, these factual allegations,
16 without being admitted or denied, will serve as a prima facie basis for the disciplinary action
17 stipulated to herein. The Real Estate Commissioner shall not be required to provide further
18 evidence to prove said factual allegations.

19 5. It is understood by the parties that the Real Estate Commissioner may
20 adopt the Stipulation and Agreement as his decision in this matter thereby imposing the penalty
21 and sanctions on Respondent's real estate license and license rights as set forth in the below
22 "Order." In the event that the Commissioner in his discretion does not adopt the Stipulation and
23 Agreement, it shall be void and of no effect, and Respondent shall retain the right to a hearing
24 and proceeding on the Accusation under all the provisions of the APA and shall not be bound by
25 any admission or waiver made herein.

26 6. The Order or any subsequent Order of the Real Estate Commissioner
27 made pursuant to this Stipulation and Agreement shall not constitute an estoppel, merger, or bar

1 to any further administrative or civil proceedings by the Department of Real Estate with respect
2 to any matters which were not specifically alleged to be causes for accusation in this proceeding.

3 * * *

4 DETERMINATION OF ISSUES

5 By reason of the foregoing stipulations, admissions and waivers, and for the
6 purpose of settlement of the pending Accusation as to Respondent only, without a hearing, it is
7 stipulated and agreed that the following determination of issues shall be made:

8 The acts and/or omissions of Respondent as described in the Accusation violate
9 Sections 490 and 10177(b) of the Business and Professions Code.

10 * * *

11 ORDER

12 1. The real estate broker license and license rights of Respondent CHARLES
13 DANIEL BRENNAN are hereby revoked; provided, however, a restricted real estate broker
14 license shall be issued to Respondent pursuant to Section 10156.6 of the Code, if Respondent
15 makes application therefore and pays to the Department of Real Estate the appropriate fee for
16 said license within ninety (90) days from the effective date of this Decision.

17 2. The restricted license issued to Respondent shall be subject to all of the
18 provisions of Section 10156.7 of the Business and Professions Code and to the following
19 limitations, conditions, and restrictions imposed under authority of Section 10156.6 of that Code:

20 (a) The restricted license issued to Respondent may be suspended
21 prior to hearing by Order of the Real Estate Commissioner in the event of Respondent's
22 conviction (including by plea of guilty or nolo contendere) to a crime which is substantially
23 related to Respondent's fitness or capacity as a real estate licensee; and

24 (b) The restricted license issued to Respondent may be suspended
25 prior to hearing by Order of the Real Estate Commissioner on evidence satisfactory to the
26 Commissioner that Respondent has violated provisions of the California Real Estate Law, the
27

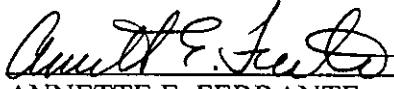
1 Subdivided Lands Law, Regulations of the Real Estate Commissioner, or conditions attaching to
2 the restricted license.

3 3. Respondent shall not be eligible to apply for the issuance of an
4 unrestricted real estate license, nor the removal of any of the conditions of the restricted license,
5 until two (2) years have elapsed from the effective date of this Decision.

6 4. Respondent shall notify the Commissioner in writing within 72 hours of
7 any arrest by sending a certified letter to the Commissioner at the Department of Real Estate,
8 Post Office Box 187000, Sacramento, CA 95818-7000. The letter shall set forth the date of
9 Respondent's arrest, the crime for which Respondent was arrested and the name and address of
10 the arresting law enforcement agency. Respondent's failure to timely file written notice shall
11 constitute an independent violation of the terms of the restricted license and shall be grounds for
12 the suspension or revocation of that license.

13 5. Respondent shall, within nine (9) months from the effective date of this
14 Decision, present evidence satisfactory to the Real Estate Commissioner that Respondent has,
15 since the most recent issuance of an original or renewal real estate license, taken and successfully
16 completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate
17 Law for renewal of a real estate license. If Respondent fails to satisfy this condition, the
18 Commissioner may order the suspension of the restricted license until the Respondent presents
19 such evidence. The Commissioner shall afford Respondent the opportunity for hearing pursuant
20 to the Administrative Procedure Act to present such evidence.

21
22
23 09/29/10
24 DATED


25 ANNETTE E. FERRANTE,
26 Counsel for Complainant
27

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2 I have read the Stipulation and Agreement and its terms are understood by me and
3 are agreeable and acceptable to me. I understand that I am waiving rights given to me by the
4 California Administrative Procedure Act, and I willingly, intelligently and voluntarily waive
5 those rights, including the right of requiring the Commissioner to prove the allegations as to me
6 in the Accusation at a hearing at which I would have the right to cross-examine witnesses against
7 me and to present evidence in defense and mitigation of the charges.

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

14
15 9/30/10
16 DATED

Charles Daniel Brennan
17 CHARLES DANIEL BRENNAN,
18 Respondent

19 *I have reviewed the Stipulation and Agreement as to form and content and
20 have advised my client accordingly.*

21 10/12/10
22 DATED

MARY E. WORK
23 MARY E. WORK,
24 Attorney for Respondent

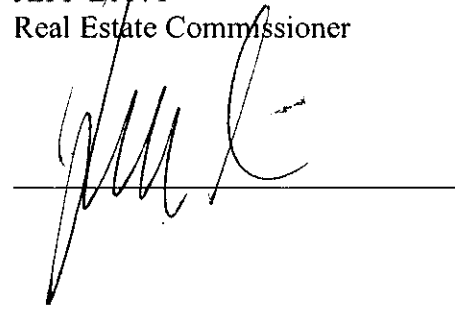
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The foregoing Stipulation and Agreement is hereby adopted as my Decision and
shall become effective at 12 o'clock noon on MAY 20 2011, 2011.

IT IS SO ORDERED 4-26-, 2011.

JEFF DAVI
Real Estate Commissioner



1 ANNETTE E. FERRANTE, Counsel (SBN 258842)
2 Department of Real Estate
3 P. O. Box 187007
Sacramento, CA 95818-7007

4 Telephone: (916) 227-0789
-or- (916) 227-0788 (Direct)

FILED

MAY 23 2010

DEPARTMENT OF REAL ESTATE

By K. Contreras

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

11 ***

12 In the Matter of the Accusation of)
13 CHARLES DANIEL BRENNAN,) NO. H-4110 SD
14 Respondent.) ACCUSATION
15)

16 The Complainant, JOSEPH AIU, a Deputy Real Estate Commissioner of the
17 State of California, for cause of Accusation against CHARLES DANIEL BRENNAN,
18 (hereinafter "Respondent"), is informed and alleges as follows:

19 1

20 The Complainant makes this Accusation in his official capacity.

21 2

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

25 3

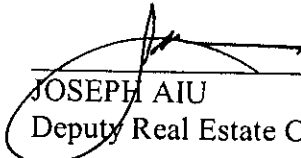
26 On or about March 7, 2008 in the San Diego County Superior Court, State of
27 California, Case No. CS217011, Respondent was convicted of violating Section 20001(a) of the

1 California Vehicle Code, a misdemeanor and crime which bears a substantial relationship under
2 Section 2910, Title 10, California Code of Regulations, to the qualifications, functions or duties
3 of a real estate licensee.

4 4

5 The facts alleged in Paragraph 3, above, constitute cause under Sections 490
6 (Conviction of Crime) and 10177(b) (Conviction of Crime Substantially Related to
7 Qualifications, Functions or Duties of Real Estate Licensee) of the Code for suspension or
8 revocation of all licenses and license rights of Respondent under the Real Estate Law.

9 WHEREFORE, Complainant prays that a hearing be conducted on the allegations
10 of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary
11 action against all licenses and license rights of Respondent under the Code, and for such other
12 and further relief as may be proper under the provisions of law.

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17 
18 JOSEPH AIU
19 Deputy Real Estate Commissioner

20 Dated at San Diego, California,
21 this 17 day of May, 2010.