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**FILED**  
OCT 04 2012  
DEPARTMENT OF REAL ESTATE  
By *L. L. Frost*

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

10 \* \* \*

11 In the Matter of the Accusation of )  
12 ) No. H-4415 SD  
13 THOMAS DALE HENNING, ) ACCUSATION  
14 Respondent. )  
15 )

16 The Complainant, TRICIA D. SOMMERS, acting in her official capacity as a  
17 Deputy Real Estate Commissioner of the State of California, for cause of Accusation against  
18 THOMAS DALE HENNING ("Respondent"), is informed and alleges as follows:

19 1.

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

23 2.

24 On or about October 27, 2011, in the Superior Court of the State of California,  
25 County of San Diego, Case Number INF1100827, Respondent was convicted of violating  
26 section 11379 of the Health and Safety Code (unlawful selling a controlled substance), a felony

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1 which bears a substantial relationship under section 2910, title 10, California Code of the  
2 Regulations to the qualifications, functions or duties of a real estate licensee.

3 3.

4 The facts alleged above in Paragraph 2 constitute grounds under sections 490  
5 and 10177(b) of the Code for suspension or revocation of all licenses and license rights of  
6 Respondent under Part 1 of Division 4 of the Code ("the Real Estate Law").

7 COST RECOVERY

8 4.

9 The Department will seek to recover cost of the investigation and prosecution of  
10 this case pursuant to section 10106 of the Code which provides, in pertinent part, that in any  
11 order issued in resolution of a disciplinary proceeding before the Department, the commissioner  
12 may request the administrative law judge to direct a licensee found to have committed a violation  
13 of this part to pay a sum not to exceed the reasonable costs of the investigation and enforcement  
14 of the case.

15 WHEREFORE, Complainant prays that a hearing be conducted on the allegations  
16 of this Accusation and that upon proof thereof, a decision be rendered revoking all licenses and  
17 license rights of Respondent under the Real Estate Law, for the cost of investigation and  
18 enforcement as permitted by law, and for such other and further relief as may be proper under  
19 other provisions of law.

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21   
22 TRICIA D. SOMMERS  
Deputy Real Estate Commissioner

23 Dated at Sacramento, California, on  
24 this 2nd day of October, 2012.

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DISCOVERY DEMAND

1  
2 Pursuant to Sections 11507.6, *et seq.* of the *Administrative Procedure Act*, the Department  
3 hereby makes demand for discovery pursuant to the guidelines set forth in the *Administrative*  
4 *Procedure Act*. Failure to provide Discovery to the Department may result in the exclusion of  
5 witnesses and documents at the hearing or other sanctions that the Office of Administrative  
6 Hearings deems appropriate.