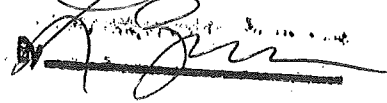


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DEPARTMENT OF REAL ESTATE



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BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

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In the Matter of the Accusation of	)	NO. H-4415 SD
THOMAS DALE HENNING,	)	<u>STIPULATION AND AGREEMENT</u>
Respondent.	)	

It is hereby stipulated by and between THOMAS DALE HENNING (hereinafter "Respondent"), acting by and through his attorney, Ernie Calhoun, and the Complainant, acting by and through John Van Driel, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on October 4, 2012 in this matter:

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

2. Respondent has received, read and understands the Statement to Respondent, the Discovery Provisions of the APA and the Accusation filed by the Department of Real Estate (hereinafter the "Department") in this proceeding.

3. Respondent filed a Notice of Defense pursuant to Section 11505 of the Government Code for the purpose of requesting a hearing on the allegations in the Accusation.

1 Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent  
2 acknowledges that he will thereby waive his right to require the Real Estate Commissioner  
3 (hereinafter the "Commissioner") to prove the allegations in the Accusation at a contested  
4 hearing held in accordance with the provisions of the APA and that he will waive other rights  
5 afforded to him in connection with the hearing such as the right to present evidence in defense of  
6 the allegations in the Accusation and the right to cross-examine witnesses.

7           4. Respondent, pursuant to the limitations set forth below, hereby admits that the  
8 factual allegations in the Accusation filed in this proceeding are true and correct and the  
9 Commissioner shall not be required to provide further evidence to prove such allegations.

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

17           6. The Order or any subsequent Order of the Commissioner made pursuant to  
18 this Stipulation and Agreement shall not constitute an estoppel, merger or bar to any further  
19 administrative or civil proceedings by the Department with respect to any matters which were  
20 not specifically alleged to be causes for accusation in this proceeding as admitted or withdrawn.

#### 21   DETERMINATION OF ISSUES

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

25           The acts and/or omissions of Respondent as described in the Accusation violate  
26 Sections 490 and 10177(b) of the California Business and Professions Code (hereinafter the  
27 "Code").

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ORDER

1. All licenses and licensing rights of Respondent THOMAS DALE HENNING

under the Real Estate Law are revoked; provided, however, a restricted real estate salesperson's license shall be issued to Respondent pursuant to Section 10156.5 of the Code if Respondent makes application therefore and pays to the Department the appropriate fee for the restricted license within 90 days from the effective date of this Decision.

2. The restricted license issued to Respondent shall be subject to all of the

provisions of Section 10156.7 of the Code as to the following limitations, conditions and restrictions imposed under authority of Section 10156.6 of that Code:

(a) The restricted license issued to Respondent may be suspended prior to

hearing by Order of the Commissioner in the event of Respondent's conviction (including by plea of guilty or nolo contendere) to a crime which is substantially related to Respondent's fitness or capacity as a real estate licensee; and,

(b) The restricted license issued to Respondent may be suspended prior to

hearing by Order of the Commissioner on evidence satisfactory to the Commissioner that Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner, or conditions attaching to the restricted license.

3. Respondent shall not be eligible to apply for the issuance of an unrestricted

real estate license nor for removal of any of the conditions, limitations or restrictions of a restricted license until four (4) years have elapsed from the effective date of this Decision.

4. Respondent shall notify the Commissioner in writing within 72 hours of any

arrest by sending a certified letter to the Commissioner at the Department of Real Estate, Post Office Box 187000, Sacramento, CA 95818-7000. The letter shall set forth the date of Respondent's arrest, the crime for which Respondent was arrested and the name and address of the arresting law enforcement agency. Respondent's failure to timely file written notice shall

1 constitute an independent violation of the terms of the restricted license and shall be grounds for  
2 the suspension or revocation of that license.

3 5. With the application for license, or with the application for transfer to a new  
4 employing broker, Respondent shall submit a statement signed by the prospective employing real  
5 estate broker on a form approved by the Department which shall certify as follows:

6 (a) That the employing broker has read the Decision which is the basis

7 for the issuance of the restricted license; and,

8 (b) That the employing broker will carefully review all transaction

9 documents prepared by the restricted licensee and otherwise

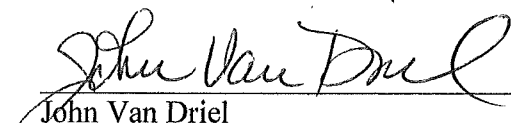
10 exercise close supervision over the licensee's performance of acts

11 for which a license is required.

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

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21 1-22-13

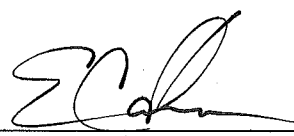
22 DATED

23   
24 John Van Driel  
25 Counsel for Department of Real Estate

26 Approved as to form:

27 January 18, 2013

DATED

  
Ernie Calhoon  
Counsel for Respondent

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

9  
10 January 18, 2013

11 DATED



11 THOMAS DALE HENNING, Respondent

12 \* \* \*

13  
14 The foregoing Stipulation and Agreement is hereby adopted as my Decision in  
15 this matter and shall become effective at 12 o'clock noon on FEB 28 2013.

16 IT IS SO ORDERED 2/5, 2013.

17 Real Estate Commissioner



18  
19  
20 By AWET P. KIDANE  
21 Chief Deputy Commissioner