

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 condition 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 This Order shall be effective immediately.

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16 DATED: July 18, 2001

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18 PAULA REDDISH ZINNEMANN
19 Real Estate Commissioner

20 Paula Reddish Zinnemann
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FILED
JUL 16 1998

DEPARTMENT OF REAL ESTATE

By Shelly Clay

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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In the Matter of the Application of)	
)	No. H-7580 SF
WHITLEY PROPERTY MANAGEMENT, INC.)	
)	STIPULATION AND WAIVER
)	
Respondent.)	
_____)	

I, WHITLEY PROPERTY MANAGEMENT, INC., 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 May 22, 1998, 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.

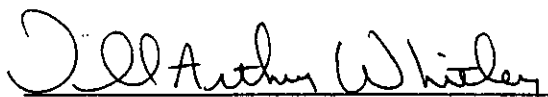
3 I hereby admit that the allegations of the Statement of Issues filed against me are true and correct and
4 request that the Real Estate Commissioner in his discretion issue a restricted real estate broker license to me
5 under the authority of Section 10156.5 of the Business and Professions Code.

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 10 day of JUNE, 19 98.

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26 Respondent - WHITLEY PROPERTY
27 MANAGEMENT, INC. by
DONALD ARTHUR WHITLEY

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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 broker license to respondent.

Therefore, IT IS HEREBY ORDERED that a restricted real estate broker license be issued to respondent
WHITLEY PROPERTY MANAGEMENT, INC. 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.

DATED this 14TH day of JULY, 19 98.

Real Estate Commissioner



1 DEIDRE L. JOHNSON, Counsel
2 State Bar No. 66322
3 Department of Real Estate
4 P. O. Box 187000
5 Sacramento, CA 95818-7000
6
7 Telephone: (916) 227-0789

FILED
MAY 22 1998
DEPARTMENT OF REAL ESTATE

By Jean Aunob

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)
12 WHITLEY PROPERTY MANAGEMENT, INC.,) NO. H-7580 SF
13 Respondent.) STATEMENT OF ISSUES
14 _____)

15 The Complainant, Les R. Bettencourt, a Deputy Real
16 Estate Commissioner of the State of California, for cause of
17 Statement of Issues against WHITLEY PROPERTY MANAGEMENT, INC., is
18 informed and alleges as follows:

19 I

20 WHITLEY PROPERTY MANAGEMENT, INC. (hereafter Respondent)
21 made application to the Department of Real Estate of the State of
22 California (hereafter the Department) for a real estate broker
23 corporation license on or about December 24, 1997.

24 II

25 Complainant, Les R. Bettencourt, a Deputy Real Estate
26 Commissioner of the State of California, makes this Statement of
27 Issues in his official capacity and not otherwise.

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III

Respondent's application for a real estate broker corporation license as alleged above includes but is not limited to the following:

(a) An application by DONALD ARTHUR WHITLEY, a licensed real estate broker, to become licensed as the designated broker officer of Respondent; and

(b) A Certificate of Amendment of Respondent's Articles of Incorporation, filed with the California Secretary of State on November 25, 1997, changing Respondent's name from WHITLEY-HARTMAN, INC. to WHITLEY PROPERTY MANAGEMENT, INC.

IV

At no time herein mentioned was WHITLEY-HARTMAN, INC. licensed by the Department as a real estate broker corporation.

V

During the three years last past, WHITLEY-HARTMAN, INC. and DONALD ARTHUR WHITLEY, engaged in the business and acted in the capacity of a real estate broker corporation named WHITLEY-HARTMAN, INC. in California within the meaning of Section 10131(b) of the Code, for or in expectation of compensation, and leased or rented, offered to lease or rent, solicited prospective tenants, and/or collected rents on, and managed certain real properties in California, including but not limited to:

DATE OF CONTRACT	PROPERTY	OWNER
MAY 6, 1996	132 Otis Avenue, Woodside, CA	Marc Bender



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VI

As of about July 31, 1997, WHITLEY-HARTMAN, INC. and DONALD ARTHUR WHITLEY maintained approximately 34 trust bank accounts at Bay Area Bank, Redwood City, California, for the monthly receipt and disbursement by them of approximately \$800,000 in trust funds. Said trust funds included but were not limited to rents received on behalf of property owners for the management of approximately 76 single family homes, 24 apartment complexes and 2 commercial buildings.

VII

WHITLEY-HARTMAN, INC. and DONALD ARTHUR WHITLEY violated Section 10130 of the Code by engaging in the activities described in Paragraphs V and VI above without first obtaining a real estate broker corporation license from the Department.

VIII

On or about February 26, 1998, in Case Number H-7556 SF, the Department filed and served an Order to Desist and Refrain against WHITLEY-HARTMAN, INC., its officers, directors, employees, agents, successors and assigns, and DONALD ARTHUR WHITLEY for violation of Section 10130 of the Code.


IX

By virtue of the acts and/or omissions of Respondent as alleged above, Respondent has acted or conducted itself in a manner which constitutes cause for denial of Respondent's application for a real estate license under Sections 10130, 10177(d) and 10177(f) of the California Business and Professions Code.



1 WHEREFORE, the Complainant prays that the above-entitled
2 matter be set for hearing and, upon proof of the charges contained
3 herein, that the Commissioner refuse to authorize the issuance of,
4 and deny the issuance of a real estate broker corporation license
5 to Respondent, and for such other and further relief as may be
6 proper in the premises.

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LES R. BETTENCOURT
Deputy Real Estate Commissioner

Dated at San Francisco, California
this 11th day of May, 1998.