

FILED

APR - 9 2004

DEPARTMENT OF REAL ESTATE

By Laurie A. Zani

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Application of ) No. H-8614 SF  
)  
FIRST SECURITY LENDING, INC., )  
a California Corporation, and )  
DANIEL JOSEPH VENDL, )  
) Respondents. )

DISMISSAL

Respondents withdrew their application for a real  
estate corporation license; therefore, the Statement of Issues  
herein filed on January 12, 2004, is DISMISSED.

IT IS SO ORDERED April 2, 2004.

JOHN R. LIBERATOR  
Acting Real Estate Commissioner

John R. Liberator

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FILED  
JAN 12 2004

DEPARTMENT OF REAL ESTATE

*Laurel A. Zinn*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Application of )  
12 FIRST SECURITY LENDING, INC., )  
13 a California Corporation, and )  
14 DANIEL JOSEPH VENDL, )  
15 Respondents. )

No. H-8614 SF

STATEMENT OF ISSUES

16 The Complainant, Les R. Bettencourt, a Deputy Real  
17 Estate Commissioner of the State of California, for Statement of  
18 Issues against FIRST SECURITY LENDING, INC. and DANIEL JOSEPH  
19 VENDL (hereinafter "Respondents"), alleges as follows:

20 I

21 Complainant, Les R. Bettencourt, a Deputy Real Estate  
22 Commissioner of the State of California, makes this Statement of  
23 Issues in his official capacity.

24 II

25 At all times herein mentioned, DANIEL JOSEPH VENDL  
26 (herein "VENDL") was and now is licensed and/or has license  
27 rights under the Real Estate Law, Part 1 of Division 4 of the

1 Business and Professions Code (herein "Code") as a real estate  
2 broker.

3 III

4 At all times mentioned herein from and after April 26,  
5 2002, Respondent FIRST SECURITY LENDING, INC. (hereinafter  
6 "FIRST SECURITY") was and now is a corporation organized and  
7 existing under the laws of the State of California, and VENDL  
8 was and now is an officer, director, and/or person owning or  
9 controlling 10 percent or more of the stock of said Respondent  
10 corporation.

11 IV

12 On or about May 27, 2003, Respondent FIRST SECURITY,  
13 and Respondent VENDL to qualify Respondent FIRST SECURITY as its  
14 designated officer - broker and to act for said corporation as a  
15 real estate broker, made application (herein "the Application")  
16 to the Department of Real Estate of the State of California  
17 (herein "the Department") for the issuance to Respondent FIRST  
18 SECURITY of a corporate real estate broker license and for the  
19 issuance to VENDL of a real estate broker license as an officer  
20 of FIRST SECURITY.

21 V

22 On or about March 20, 2002, in the Superior Court of  
23 the State of California, County of Contra Costa, VENDL was  
24 convicted of the crime of Battery Against Spouse in violation of  
25 Penal Code Section 242 in conjunction with Penal Code Section  
26 243(e)(1), a misdemeanor and a crime involving moral turpitude  
27 which bears a substantial relationship under Section 2910 of

1 Chapter 6, Title 10, California Code of Regulations (herein "the  
2 Regulations"), to the qualifications, functions or duties of a  
3 real estate licensee.

4 VI

5 During the three year period next preceding January  
6 20, 1999, while acting as the broker responsible pursuant to  
7 Section 10159.2 of the Code for the supervision of the  
8 activities of the officers, agents, real estate licensees and  
9 employees of Vendl Financial, a corporate real estate broker,  
10 and while acting for Vendl Financial as a real estate broker  
11 within the meaning of Section 10131(d) of the Code, Respondent  
12 VENDL violated and/or willfully disregarded the provisions of  
13 Sections 10160, 10161,8, 10177(d), 10177(h) and 10240, of the  
14 Code in conjunction with Section 2725 of Chapter Six, Title 10,  
15 California Code of Regulations (herein "the Regulations").

16 VII

17 Effective July 6, 1999, in case No. H-3418 SAC before  
18 the Department of Real Estate of the State of California, all  
19 Respondent's licenses and license rights were suspended by order  
20 of the Real Estate Commissioner pursuant to the provisions of  
21 Sections 10160, 10161,8, 10177(d), 10177(h) and 10240, of the  
22 Code in conjunction with Section 2725 of the Regulations for a  
23 period of 365 days, said suspension being entirely stayed upon  
24 condition, among others, that no final subsequent determination  
25 be made, after hearing or upon stipulation, that cause for  
26 disciplinary action against such Respondent occurred within two  
27 (2) years after July 6, 1999.

VIII

The criminal conviction described in Paragraph V, above, constitutes cause as to Respondents FIRST SECURITY and VENDL to deny the Application pursuant to the provisions of Sections 480(a) and 10177(b) of the Code.


IX

The acts and omissions described in Paragraph VI, above, constitutes cause as to Respondents FIRST SECURITY and VENDL to deny the Application pursuant to the provisions of Section 10177(d) of the Code.

X

The events described in Paragraph VII, above, constitutes cause as to Respondents FIRST SECURITY and VENDL to deny the Application pursuant to the provisions of Section 10177(f) of the Code.

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

  
LES R. BETTENCOURT  
Deputy Real Estate Commissioner

Dated at Oakland, California,  
this 12th day of December, 2003.

**BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA**

**FILED**  
JAN 27 2004

DEPARTMENT OF REAL ESTATE

*In the Matter of the Application of*

FIRST SECURITY LENDING, INC.,  
a California Corporation, and  
DANIEL JOSEPH VENDL,

Case No. H-8614 SF

OAH No.

*Respondents*

**NOTICE OF HEARING ON APPLICATION**

***To the above named respondents:***

***You are hereby notified*** that a hearing will be held before the Department of Real Estate at **THE OFFICE OF ADMINISTRATIVE HEARINGS, 1515 CLAY STREET, SUITE 206, OAKLAND, CA 94612** on **FRIDAY, MARCH 19, 2004**, at the hour of **1:30 P.M.**, 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 his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

***Dated:*** JANUARY 27, 2004

DEPARTMENT OF REAL ESTATE  
By   
JAMES L. BEAVER, Counsel