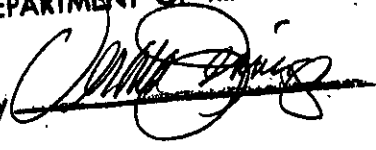


FILED
OCT 24 2008
DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) NO. H-31690 LA
MANHAL A. DAWABI,)
Respondent.)

ORDER GRANTING REINSTATEMENT OF LICENSE

On May 4, 2005, a Decision was rendered herein
revoking Respondent's real estate salesperson license but
granting Respondent the right to the issuance of a restricted
real estate salesperson license. A restricted real estate
salesperson license was issued to Respondent on or about
May 31, 2005.

On August 23, 2007, Respondent petitioned for
reinstatement of said real estate salesperson license and
the Attorney General of the State of California has been
given notice of the filing of said petition.

///

///

1 I have considered the petition of Respondent and
2 the evidence and arguments in support thereof. Respondent
3 has demonstrated to my satisfaction that Respondent meets
4 the requirements of law for the issuance to Respondent of
5 an unrestricted real estate salesperson license and that
6 it would not be against the public interest to issue said
7 license to Respondent.

8 NOW, THEREFORE, IT IS ORDERED that Respondent's
9 petition for reinstatement is granted and that an unrestricted
10 real estate salesperson license be issued to Respondent, if
11 Respondent satisfies the following conditions within nine (9)
12 months from the date of this Order:

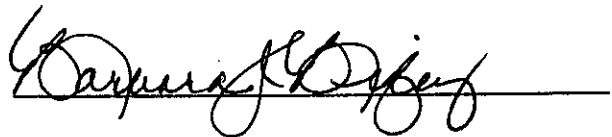
13 1. Submittal of a completed application and payment
14 of the fee for a real estate salesperson license.

15 2. Submittal of evidence of having, since the most
16 recent issuance of an original or renewal real estate license,
17 taken and successfully completed the continuing education
18 requirements of Article 2.5 of Chapter 3 of the Real Estate
19 Law for renewal of a real estate license.

20 This Order shall be effective immediately.

21 Dated: 7-22-08
22

23 JEFF DAVI
24 Real Estate Commissioner

25 
26

27 BY: Barbara J. Bigby
Chief Deputy Commissioner

*facto
file*

1 Department of Real Estate
2 820 West Fourth Street, Suite 350
3 Los Angeles, California 90013-1105

4 Telephone: (213) 576-6982
5 -or- (213) 576-6910 (Direct)

FILED
MAY 11 2005

DEPARTMENT OF REAL ESTATE

By *Laura B. O'Neil*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) NO. H-31690 LA
12 MANHAL A. DAWABI,)
13 Respondent.) STIPULATION AND AGREEMENT

14
15 It is hereby stipulated by and between MANHAL A.
16 DAWABI, (hereinafter "Respondent"), represented by Charles
17 Benninghoff, Professional Advocate, and the Complainant, acting
18 by and through Chris Leong, Counsel for the Department of Real
19 Estate, as follows for the purpose of settling and disposing of
20 the Accusation filed on February 22, 2005.

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

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

5 3. Respondent filed a Notice of Defense pursuant to
6 Section 11506 of the Government Code for the purpose of
7 requesting a hearing on the allegations in the Accusation.
8 Respondent hereby freely and voluntarily withdraws said Notice of
9 Defense. Respondent acknowledges that he understands that by
10 withdrawing said Notice of Defense he will thereby waive his
11 right to require the Commissioner to prove the allegations in the
12 Accusation at a contested hearing held in accordance with the
13 provisions of the Administrative Procedure Act and that
14 Respondent will waive other rights afforded to him in connection
15 with the hearing, such as the right to present evidence in
16 defense of the allegations in the Accusation and the right to
17 cross-examine witnesses.

18 4. Respondent, pursuant to the limitations set forth
19 below, hereby admits that the factual allegations in Paragraphs I
20 through IV of the Accusation, filed in this proceeding are true
21 and correct and the Real Estate Commissioner shall not be
22 required to provide further evidence to prove such allegations.

23 5. It is understood by the parties that the Real
24 Estate Commissioner may adopt the Stipulation as his Decision in
25 this matter, thereby imposing the penalty and sanctions on
26 Respondent's real estate license and license rights as set forth
27 in the "Order" below. In the event that the Commissioner in his

1 discretion does not adopt the Stipulation, it shall be void and
2 of no effect, and Respondent shall retain the right to a hearing
3 and proceeding on the Accusation under all the provisions of the
4 Administrative Procedure Act and shall not be bound by any
5 admission or waiver made herein.

6 6. The admissions herein, and Respondent's decision
7 not to contest the Accusation, are made solely for the purpose of
8 reaching an agreed disposition of this proceeding and are
9 expressly limited to this proceeding and any other proceeding or
10 case in which the Department of Real Estate or another licensing
11 agency of this state, another state or if the federal government
12 is involved, and otherwise shall not be admissible in any other
13 criminal or civil proceedings.

14 DETERMINATION OF ISSUES

15 By reason of the foregoing stipulations, admissions and
16 waivers and solely for the purpose of settlement of the pending
17 Accusation without a hearing, it is stipulated and agreed that
18 the following Determination of Issues shall be made:

19 The acts and omissions of Respondent, described in
20 Paragraphs I through IV of the Accusation, are cause for the
21 suspension or revocation of all real estate licenses and license
22 rights of Respondent under the provisions of Sections 10177(b)
23 and 490 of the Business and Professions Code.

24 ORDER

25 WHEREFORE, THE FOLLOWING ORDER is hereby made:

26 All licenses and licensing rights of Respondent MANHAL

27 A. DAWABI, under the Real Estate Law are revoked; provided,

1 however, a restricted real estate salesperson license shall be
2 issued to Respondent pursuant to Section 10156.5 of the Business
3 and Professions Code if Respondent makes application therefor and
4 pays to the Department of Real Estate the appropriate fee for the
5 restricted license within 90 days from the effective date of this
6 Decision. The restricted license issued to Respondent shall be
7 subject to all of the provisions of Section 10156.7 of the
8 Business and Professions Code and to the following limitations,
9 conditions, and restrictions imposed under authority of Section
10 10156.6 of that Code:

11 1. The restricted license issued to Respondent may be
12 suspended prior to hearing by Order of the Real Estate
13 Commissioner in the event of Respondent's conviction or plea of
14 nolo contendere to a crime which is substantially related to
15 Respondent's fitness or capacity as real estate licensee.

16 2. The restricted license issued to Respondent may be
17 suspended prior to hearing by Order of the Real Estate
18 Commissioner on evidence satisfactory to the Commissioner that
19 Respondent has violated provisions of the California Real Estate
20 Law, the Subdivided Lands Law, Regulations of the Real Estate
21 Commissioner or conditions attaching to the restricted license.

22 3. Respondent shall not be eligible to apply for the
23 issuance of an unrestricted real estate license nor for the
24 removal of any of the conditions, limitations or restrictions of
25 a restricted license until two (2) years have elapsed from the
26 effective date of this Decision.
27

1 4. Respondent shall submit with any application for
2 license under an employing broker, or any application for
3 transfer to a new employing broker, a statement signed by the
4 prospective employing real estate broker on a form approved by
5 the Department of Real Estate which shall certify:

6 (a) That the employing broker has read the Decision of
7 the Commissioner which granted the right to a restricted license;
8 and

9 (b) That the employing broker will exercise close
10 supervision over the performance by the restricted licensee
11 relating to activities for which a real estate license is
12 required.

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

25 6. Respondent shall, within six (6) months from the
26 effective date of this Decision, take and pass the Professional
27 Responsibility Examination administered by the Department

1 including the payment of the appropriate examination fee. If
2 Respondent fails to satisfy this condition, the Commissioner
3 may order suspension of Respondent's license until Respondent
4 passes the examination.

5 DATED: 4/20/05

CHRIS LEONG
6 CHRIS LEONG, ESQ.
7 Counsel for Complainant

8 * * *

9 I have read the Stipulation and Agreement and have
10 discussed it with my counsel, and its terms are understood by me
11 and are agreeable and acceptable to me. I understand that I am
12 waiving rights given to me by the California Administrative
13 Procedure Act (including but not limited to Sections 11506,
14 11508, 11509 and 11513 of the Government Code), and I willingly,
15 intelligently and voluntarily waive those rights, including the
16 right of requiring the Commissioner to prove the allegations in
17 the Accusation at a hearing at which I would have the right to
18 cross-examine witnesses against me and to present evidence in
19 defense and mitigation of the charges.

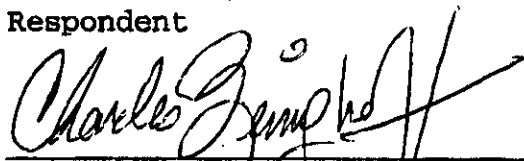
20 Respondent can signify acceptance and approval of the
21 terms and conditions of this Stipulation and Agreement by faxing
22 a copy of the signature page, as actually signed by Respondent,
23 to the Department at the following fax number (213) 576-6917.
24 Respondent agrees, acknowledges and understands that by
25 electronically sending to the Department a fax copy of her actual
26 signature as it appears on the Stipulation and Agreement, that
27 receipt of the faxed copy by the Department shall be as binding

1 on Respondent as if the Department had received the original
2 signed Stipulation and Agreement.

3 DATED: 04-13-05


4 MANHAL A. DAWABI
5 Respondent

6 DATED: 4/14/05


7 CHARLES BENNINGHOFF
8 Professional Advocate for
9 Respondent
10 Approved as to content

* * *

11 The foregoing Stipulation and Agreement is hereby
12 adopted as my Decision in this matter and shall become effective
13 at 12 o'clock noon on _____.

14 IT IS SO ORDERED _____.

15 JEFF DAVI
16 Real Estate Commissioner
17
18
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1 on Respondent as if the Department had received the original
2 signed Stipulation and Agreement.

3
4 DATED: _____

MANHAL A. DAWABI
Respondent

5
6
7 DATED: _____

CHARLES BENNINGHOFF
Professional Advocate for
Respondent
Approved as to content

8
9 * * *

10
11 The foregoing Stipulation and Agreement is hereby
12 adopted as my Decision in this matter and shall become effective
13 at 12 o'clock noon on MAY 31 2005.

14 IT IS SO ORDERED 5-9-05

15 JEFF DAVI
Real Estate Commissioner

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Sub
Has

FILED
FEB 22 2005
DEPARTMENT OF REAL ESTATE

CHRIS LEONG, Counsel (SBN 141079)
Department of Real Estate
320 West Fourth Street, Suite 350
Los Angeles, CA 90013-1105

Telephone: (213) 576-6982
-or- (213) 576-6910 (Direct)

By Laura B. Olano

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of
MANHAL A. DAWABI,
Respondent.

No. H-31690 LA

A C C U S A T I O N

The Complainant, Janice Waddell, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against MANHAL A. DAWABI (hereinafter "Respondent"), is informed and alleges as follows:

I

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

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2 II

3 The Complainant, Janice Waddell, a Deputy Real Estate
4 Commissioner of the State of California, makes this Accusation
5 against Respondent in her official capacity.

6 CONVICTION

7 III

8 On or about December 12, 2003, in the Superior Court of
9 California, County of San Bernardino, in Case No. FWV028046,
10 Respondent, in a felony complaint, was charged with having
11 violated one count of California Penal Code (PC) 422 (Criminal
12 Threats) and one count of PC 245(a)(1) (Assault with a Deadly
13 Weapon, by Means Likely to Produce Great Bodily Injury);
14 subsequently, pursuant to a plea bargain, Respondent was
15 convicted of violating PC 422 (Criminal Threats), a misdemeanor.
16 This crime involves moral turpitude which is substantially
17 related to the qualifications, functions and duties of a real
18 estate licensee.

19 IV

20 The conviction set forth in Paragraph III, above,
21 constitutes cause under Code Sections 490 and/or 10177(b) for
22 the suspension or revocation of all licenses and license rights
23 of Respondent under the Real Estate Law.

24 ///

25 ///

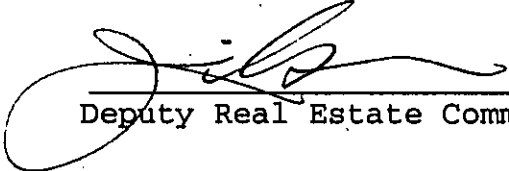
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27 ///

1 WHEREFORE, Complainant prays that a hearing be
2 conducted on the allegations of this Accusation and that upon
3 proof thereof, a decision be rendered imposing disciplinary
4 action against all licenses and license rights of Respondent,
5 MANHAL A. DAWABI, under the Real Estate Law (Part 1 of Division
6 4 of the Business and Professions Code), and for such other and
7 further relief as may be proper under other applicable
8 provisions of law.

9 Dated at Los Angeles, California

10 this 17 day of February 2005.

11
12 
13 Deputy Real Estate Commissioner
14
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23

24 cc: Manhal A. Dawabi
25 Shawn Patrick Heyl
26 Janice Waddell
27 Sacto.
LA