

1 Bureau of Real Estate
2 320 West 4th Street, Suite 350
3 Los Angeles, CA 90013-1105

4 (213)576-6982

FILED

DEC 17 2013

BUREAU OF REAL ESTATE

By 

7
8 BEFORE THE BUREAU OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) No. H-38584 LA
12 DAL FINANCIAL INC. and DANIEL)
13 ANTHONY LEIMEL, SR.,) STIPULATION AND AGREEMENT
14 individually and as designated)
15 Officer of DAL Financial Inc.,)
Respondent.)

16 It is hereby stipulated by and between DANIEL ANTHONY
17 LEIMEL, SR. ("Respondent"), individually and as designated
18 officer of DAL Financial Inc., represented by Anthony F. Geraci,
19 Esq., and the Complainant, acting by and through Julie L. To,
20 Counsel for the Bureau (formerly Department) of Real Estate
21 ("Bureau"), as follows for the purpose of settling and disposing
22 of the Accusation filed on or about December 4, 2012, in this
23 matter:

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

5 2. Respondent has received, read and understands the
6 Statement to Respondent, the Discovery Provisions of the APA and
7 the Accusation filed by the Bureau of Real Estate in this
8 proceeding.

9 3. On December 21, 2012, the Bureau of Real Estate
10 received Respondent's Notice of Defense pursuant to Section
11 11506 of the Government Code for the purpose of requesting a
12 hearing on the allegations in the Accusation. Respondent hereby
13 freely and voluntarily withdraws said Notice of Defense.
14 Respondent acknowledges that he understands that by withdrawing
15 said Notice of Defense he will thereby waive his right to
16 require the Commissioner to prove the allegations in the
17 Accusation at a contested hearing held in accordance with the
18 provisions of the APA and that he will waive other rights
19 afforded to him in connection with the hearing such as the right
20 to present evidence in defense of the allegations in the
21 Accusation and the right to cross-examine witnesses.

22 4. This Stipulation is based on the factual
23 allegations contained in the Accusation. In the interest of
24 expedience and economy, Respondent chooses not to contest these
25 allegations, but to remain silent and understands that, as a
26 result thereof, these factual allegations, without being
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1 admitted or denied, will serve as a prima facie basis for the
2 disciplinary action stipulated to herein. The Real Estate
3 Commissioner shall not be required to provide further evidence
4 to prove said factual allegations.

5 5. This Stipulation is made for the purpose of
6 reaching an agreed disposition of this proceeding and is
7 expressly limited to this proceeding and any other proceeding or
8 case in which the Bureau, or another licensing agency of this
9 state, another state or if the federal government is involved,
10 and otherwise shall not be admissible in any other criminal or
11 civil proceeding.

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

22 7. The Order or any subsequent Order of the Real
23 Estate Commissioner made pursuant to this Stipulation shall not
24 constitute an estoppel, merger or bar to any further
25 administrative or civil proceedings by the Bureau of Real Estate
26 with respect to any matters which were not specifically alleged
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1 to be causes for accusation in this proceeding.

2 DETERMINATION OF ISSUES

3 By reason of the foregoing stipulations, admissions
4 and waivers, and solely for the purpose of settlement of the
5 pending Accusation without a hearing, it is stipulated and
6 agreed that the following determination of issues shall be made:

7 The conduct of DAL Financial Inc., as described in the
8 Accusation, is in violation of Section 2742(c), Title 10,
9 Chapter 6, California Code of Regulations. The conduct of
10 Respondent, as described in the Accusation, constitutes a
11 failure to keep DAL Financial Inc. in compliance with the Real
12 Estate Law during the time that he was the officer designated by
13 a corporate broker licensee, and is a basis for discipline of
14 Respondent's license and license rights as a violation of the
15 Real Estate Law pursuant to Code Sections 10177(h), 10177(d) and
16 10177(g).

17 ORDER

18 WHEREFORE, THE FOLLOWING ORDER is hereby made:

19 I.

20 All licenses and licensing rights of Respondent DANIEL
21 ANTHONY LEIMEL, SR. under the Real Estate Law are suspended for
22 a period of thirty (30) days from the effective date of this
23 Decision;

24 A. provided, however, that if Respondent requests, the
25 thirty (30) days of said suspension (or a portion therefor)
26 shall be stayed for one (1) year upon condition that:

1 the Commissioner's reasonable cost for investigation and
2 enforcement of the matter. The investigation and enforcement
3 cost which led to this disciplinary action is \$1,154.90. Said
4 payment shall be made within sixty (60) days after the effective
5 date of this Decision.

6 The Commissioner may suspend the license of Respondent
7 pending a hearing held in accordance with California Government
8 Code Section 11500, et seq., if payment is not timely made as
9 provided for herein, or as provided for in a subsequent
10 agreement between said Respondent and the Commissioner. The
11 suspension shall remain in effect until payment is made in full
12 or until said Respondents enter into an agreement satisfactory
13 to the Commissioner to provide for payment, or until a decision
14 providing otherwise is adopted following a hearing held pursuant
15 to this condition.
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17 III.

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

5 IV.


6 Respondent shall, within six months from the effective
7 date of this Decision, take and pass the Professional
8 Responsibility Examination administered by the Department
9 including the payment of the appropriate examination fee. If
10 Respondent fails to satisfy this condition, the Commissioner may
11 order suspension of Respondent's license until Respondent passes
12 the examination.

13 V.

14 All proof of payments shall be submitted to Bureau
15 Counsel Julie L. To, Attention: Legal Section, Bureau of Real
16 Estate, 320 W. Fourth St., Suite 350, Los Angeles, California
17 90013-1105, on or before the dates set forth above.

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20 DATED: _____

12-3-13



Julie L. To
Counsel for the
Bureau of Real Estate

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22 * * *

23 EXECUTION OF THE STIPULATION

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

9 Respondent can signify acceptance and approval of the
10 terms and conditions of this Stipulation and Agreement by:

11 (1) faxing a copy of the signed signature page, as actually
12 signed and dated by Respondent, to the Bureau at the following
13 telephone/fax number: (213) 576-6917, Attention: Julie To.; and

14 (2) mailing the original signed signature page of the
15 Stipulation herein to: Julie To, Legal Section, Bureau of Real
16 Estate, 320 West Fourth Street, Suite 350, Los Angeles,
17 California 90013-1105.

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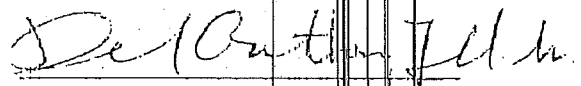
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Respondent agrees, acknowledges and understands that
by electronically sending to the Bureau a facsimile copy of his
actual signature as it appears on the Stipulation and Agreement,
that receipt of the faxed copy by the Bureau shall be as binding
on Respondent as if the Bureau had received the original signed
Stipulation and Agreement.

DATED: 11/21/13


DANIEL ANTHONY LEIMEL, SR.
Respondent

DATED: _____

Anthony F. Geraci,
Attorney for Respondent Daniel
Anthony Leimel, Sr.
Approved as to form

* * *

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

IT IS SO ORDERED

Real Estate Commissioner

Wayne S. Bell

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actual signature as it appears on the Stipulation and Agreement,
that receipt of the faxed copy by the Bureau shall be as binding
on Respondent as if the Bureau had received the original signed
Stipulation and Agreement.

DATED: _____

DANIEL ANTHONY LEIMEL, SR.
Respondent

DATED: 11/25/13

Anthony F. Geraci,
Attorney for Respondent Daniel
Anthony Leimel, Sr.
Approved as to form

* * *

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

IT IS SO ORDERED _____.

Real Estate Commissioner

Wayne S. Bell

1 Respondent agrees, acknowledges and understands that
2 by electronically sending to the Bureau a facsimile copy of his
3 actual signature as it appears on the Stipulation and Agreement,
4 that receipt of the faxed copy by the Bureau shall be as binding
5 on Respondent as if the Bureau had received the original signed
6 Stipulation and Agreement.

7
8 DATED: _____

_____ DANIEL ANTHONY LEIMEL, SR.
Respondent

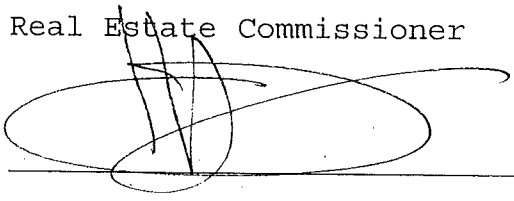
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10 DATED: _____

_____ Anthony F. Geraci,
Attorney for Respondent Daniel
Anthony Leimel, Sr.
Approved as to form

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14 * * *

15 The foregoing Stipulation and Agreement is hereby
16 adopted as my Decision in this matter, and shall become
17 effective at 12 o'clock noon on JAN 07 2014.

18 IT IS SO ORDERED DEC 11 2013

19
20 Real Estate Commissioner
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22 _____

23 By: JEFFREY MASON
24 Chief Deputy Commissioner
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