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SEP 12 2013

DEPARTMENT OF REAL ESTATE
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BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of)	No. H-38732 LA
)	
DARYL ANTHONY SMITH,)	
)	
Respondent,)	
)	
)	

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On February 26, 2013, an Accusation was filed in this matter against Respondent DARYL ANTHONY SMITH.

On August 26, 2013, Respondent petitioned the Commissioner to voluntarily surrender his real estate broker license rights pursuant to Section 10100.2 of the Business and Professions Code.

IT IS HEREBY ORDERED that Respondent DARYL ANTHONY SMITH's petition for voluntary surrender of his real estate broker license rights is accepted as of the effective date of this Order as set forth below, based upon the understanding and agreement expressed in Respondent's Declaration dated August 26, 2013, (attached as Exhibit "A" hereto).

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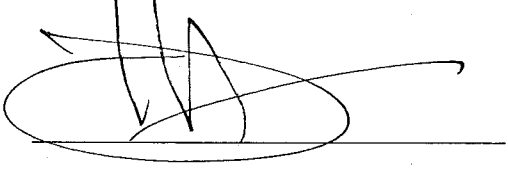
Respondent's license certificate, pocket card and any branch office license certificate shall be sent to the below listed address so that they reach the Bureau on or before the effective date of this Order:

Bureau of Real Estate
Atten: Licensing Flag Section
P.O. Box 187000
Sacramento, CA 95818-7000

This Order shall become effective at 12 o'clock noon on October 2, 2013.

DATED: Sept 9, 2013

REAL ESTATE COMMISSIONER



By: JEFFREY MASON
Chief Deputy Commissioner

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EXHIBIT "A"

BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of)
DARYL ANTHONY SMITH,) No. H-38732 LA
Respondents,)
)
)
)
)

DECLARATION

My name is DARYL ANTHONY SMITH and I am currently licensed as a real estate broker and/or have license rights with respect to said license.

In lieu of proceeding in this matter in accordance with the provisions of the Administrative Procedure Act (Sections 11400 et seq., of the Government Code), I wish to voluntarily surrender my real estate license and license rights issued by the Bureau of Real Estate ("Bureau"), pursuant to Business and Professions Code Section 10100.2.

I understand that by so voluntarily surrendering my license rights, I may be relicensed as a broker or as a salesperson by petitioning for reinstatement pursuant to Section

1 11522 of the Government Code. I also understand that by so voluntarily surrendering my
2 license(s), I agree to the following:

3 1. The filing of this Declaration shall be deemed as my petition for voluntary
4 surrender.

5 2. It shall also be deemed to be an understanding and agreement by me that I
6 waive all rights I have to require the Commissioner to prove the allegations contained in the
7 Accusation ("Accusation") filed in this matter at a hearing held in accordance with the provisions
8 of the Administrative Procedure Act (Government Code Sections 11400 et seq.), and that I also
9 waive other rights afforded to me in connection with the hearing such as the right to discovery,
10 the right to present evidence in defense of the allegations in the Accusation and the right to cross-
11 examine witnesses.
12

13 3. This Declaration is made for the purpose of reaching a resolution of allegations
14 contained in the BRE Case number H-38732 LA, and is expressly limited to this proceeding and
15 any other proceeding or case in which the Bureau of Real Estate is a party and shall not otherwise
16 be admissible or relied upon by any third parties for any purpose.
17

18 4. I further agree that upon acceptance by the Commissioner, as evidenced by an
19 appropriate order, all affidavits and all relevant evidence obtained by the Bureau in this matter
20 prior to the Commissioner's acceptance, and all allegations contained in the Accusation filed in
21 the Bureau of Real Estate Case No. H-38732 LA, with respect to me may be considered by the
22 Bureau when deciding whether to grant re-licensure or reinstatement pursuant to Government
23 Code Section 11522.
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5. I further agree to pay the Commissioner's cost for the audit, investigation and enforcement which led to this action. I am aware that if I petition for reinstatement in the future, that payment of the audit costs of \$10,590.03 and investigation and enforcement costs of \$267.00 will be a condition of reinstatement.

6. I further agree to restore the trust fund shortage of \$15,395.13. I am aware that if I petition for reinstatement in the future, restoring the trust fund shortage of \$15,395.13 will be a condition of reinstatement.

7. I freely and voluntarily surrender all my licenses and license rights under the Real Estate Law.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct and that this declaration was executed on 8/26, 2013, at SAN BERNARDINO California.



DARYL ANTHONY SMITH