

1 Department of Real Estate
2 320 W. 4th Street, Suite 350
3 Los Angeles, CA 90013-1105

4 Telephone: (213) 576-6982

FILED

MAY 16 2019

DEPT. OF REAL ESTATE

By John C. [Signature]

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of 12 THOMAS PAUL NEILL II, 13 Respondent.)))))	H-41350 LA STIPULATION AND WAIVER
--	-----------------------	--

15 I, Thomas Paul Neill II ("Respondent"), do hereby affirm that I have applied to the
16 Department of Real Estate ("Department") for a real estate salesperson license, and that to the best
17 of my knowledge I have satisfied all of the statutory requirements for the issuance of the license,
18 including, but not limited to, the payment of the fee therefor.

19 I acknowledge that by entering into this Stipulation and Waiver, I am stipulating that the
20 Real Estate Commissioner ("Commissioner") has found grounds that justify the denial of the
21 issuance of an unrestricted real estate salesperson license to me. I agree that there are grounds to
22 deny the issuance of an unrestricted real estate salesperson license to me pursuant to Section
23 10177(b) of the Business and Professions Code ("Code") for my conviction on April 21, 2015 for
24 violation of Vehicle Code section 23152(a) (driving under the influence of alcohol), a
25 misdemeanor, and my conviction on February 22, 2016 for violation of Vehicle Code section
26 23152(b) (driving a vehicle with 0.08 percent or more blood alcohol level), a misdemeanour, and
27 pursuant to Sections 10177(a) and 10177(b) of the Business and Professions Code ("Code") for

1 failure to disclose my convictions on July 7, 2009, a violation of Penal Code section 148(a)(1)
2 (resisting and obstructing an officer), a violation of Penal Code section 594(a)/(b)(1) (vandalism
3 with damage of \$400 or more), and a violation of Penal Code section 148.9(a) (false representation
4 to a peace officer), all misdemeanors.

5 I hereby request that the Commissioner in his discretion issue a restricted real estate
6 salesperson license to me under the authority of Sections 10100.4 and 10156.5 of the Code. I
7 understand that any such restricted license will be issued subject to the provisions and limitations of
8 Sections 10156.6 and 10156.7 of the Code.

9 I understand that by my signing of this Stipulation and Waiver, provided this Stipulation
10 and Waiver is accepted and signed by the Commissioner, the Commissioner will not file a
11 Statement of Issues based on the grounds herein, and I am waiving my right to a hearing and the
12 opportunity to present evidence at the hearing to establish my rehabilitation in order to obtain an
13 unrestricted real estate salesperson license.

14 I agree that by signing this Stipulation and Waiver, the conditions, limitations, and
15 restrictions imposed on my restricted license, identified below, may be removed only by filing a
16 Petition for Removal of Restrictions ("Petition") with the Commissioner, and that my Petition must
17 follow the procedures set forth in Government Code Section 11522.

18 I further understand that the restricted license issued to me shall be subject to all of the
19 provisions of Section 10156.7 of the Code and to the following limitations, conditions and
20 restrictions imposed under authority of Section 10156.6 of the Code:

21 1. The restricted license shall not confer any property right in the privileges to be exercised
22 including the right of renewal, and the Commissioner may by appropriate order suspend
23 the right to exercise any privileges granted under the restricted license in the event of:

24 a. Respondent's conviction (including a plea of nolo contendere) of a crime that
25 bears a substantial relationship to Respondent's fitness or capacity as a real estate
26 licensee; or

27 b. The receipt of evidence that Respondent has violated provisions of the California

1 Real Estate Law, the Subdivided Lands Law, Regulations of the Commissioner, or
2 conditions attaching to the restricted license.

3 2. Respondent shall not be eligible to petition for the issuance of an unrestricted real
4 estate license nor the removal of any of the conditions, limitations, or restrictions
5 attaching to the restricted license until two (2) years have elapsed from the date of
6 issuance of the restricted license to Respondent. Respondent shall not be eligible to
7 apply for any unrestricted licenses until all restrictions attaching to the license have
8 been removed.

9 3. Respondent shall notify the Commissioner in writing within seventy-two (72) hours of
10 any arrest by sending a certified letter to the Commissioner at the Department of Real
11 Estate, Post Office Box 137013, Sacramento, CA 95813-7013. The letter shall set forth
12 the date of Respondent's arrest, the crime for which Respondent was arrested, and the
13 name and address of the arresting law enforcement agency. Respondent's failure to
14 timely file written notice shall constitute an independent violation of the terms of the
15 restricted license and shall be grounds for the suspension or revocation of that license.

16 4. With the application for license or with the application for transfer to a new employing
17 broker, Respondent shall submit a statement signed by the prospective employing
18 broker on a form approved by the Department wherein the employing broker shall
19 certify as follows:

20 a. That the broker has read the Stipulation and Waiver which is the basis for the
21 issuance of the restricted license; and

22 b. That the broker will carefully review all transaction documents prepared by the
23 restricted licensee and otherwise exercise close supervision over the licensee's
24 performance of acts for which a license is required.

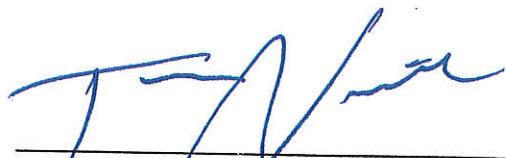
25 04/26/2019
26 Dated

Andrea Bentler
27 Andrea Bentler, Counsel
Department of Real Estate

1 Respondent has read this Stipulation and Waiver, and its terms are understood by
2 Respondent and are agreeable and acceptable to Respondent. Respondent understands that
3 Respondent is waiving rights given to Respondent by the Administrative Procedure Act (including,
4 but not limited to, Government Code Sections 11504, 11506, 11508, 11509, and 11513), and
5 Respondent willingly, intelligently, and voluntarily waives those rights, including, but not limited
6 to, the right to a hearing on a Statement of Issues at which Respondent would have the right to
7 cross-examine witnesses against Respondent and to present evidence in defense and mitigation of
8 the charges.
9

10 Respondent shall send a hard copy of the original signed Stipulation and Waiver to
11 Andrea Bentler, Department of Real Estate, 320 W. 4th Street, Suite 350, Los Angeles, California
12 90013.

13 9/21/2019
14 Dated


15 _____
16 THOMAS PAUL NEILL II, Respondent

17 I have read the foregoing Stipulation and Waiver signed by Respondent. I am satisfied that
18 the hearing for the purpose of requiring further proof as to the honesty and truthfulness of
19 Respondent need not be called and that it will not be inimical to the public interest to issue a
20 restricted real estate salesperson license to Respondent.

21 //
22 //
23 //
24 //
25 //
26 //
27 //

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to Respondent, if Respondent has otherwise fulfilled all of the statutory requirements for licensure. The restricted salesperson license shall be limited, conditioned, and restricted as specified in the foregoing Stipulation and Waiver.

This Order is effective immediately.

IT IS SO ORDERED May 6, 2019.

DANIEL SANDRI
ACTING REAL ESTATE COMMISSIONER

Daniel J. Sandri