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1	Bureau of Real Estate	FILED
7 2	320 West 4th Street, Suite 350 Los Angeles, California 90013	
3	Telephone: (213) 576-6982	NOV 15 2013 BUREAU OF REAL ESTATE
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5		and a second as a
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8	BEFORE THE BUREAU O	F REAL ESTATE
9	STATE OF CALIFORNIA	
10	* * *	
11	In the Matter of the Accusation of	
12	MICHAEL JOSEPH STEPHEN MILLER,	NO. H-04513 SD 2013090478
13	MICHIGH CODELIN STELLER,	STIPULATION AND AGREEMENT
14	Respondent.	SITFULATION AND AGREEMENT
15	Tt is hereby stipulated by	, and between MTOUNER TOOLDR
16	It is hereby stipulated by and between MICHAEL JOSEPH STEPHEN MILLER ("Respondent") and his attorney of record, Steven	
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18	C. Vondran, Esq., and the Complainant, acting by and through	
	Diane Lee, Counsel for the Bureau of Real Estate, as follows for	
19	the purpose of settling and disposing of the Accusation filed on	
20	August 6, 2013 in this matter:	
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 ("APA"), shall instead and in place thereof be	
26	submitted solely on the basis of the provisions of this	
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¹ Stipulation and Agreement.

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

б On or about August 26, 2013, Respondent filed a 3. 7 Notice of Defense pursuant to California Government Code section 8 11506 for the purpose of requesting a hearing on the allegations 9 in the Accusation. Respondent hereby freely and voluntarily 10 withdraws said Notice of Defense. Respondent acknowledges that 11 he understands that by withdrawing said Notice of Defense, he 12 will thereby waive his right to require the Commissioner to prove 13 the allegations in the Accusation at a contested hearing held in 14accordance with the provisions of the APA and that he will waive 15 other rights afforded to him in connection with the hearing, such 16 as the right to present evidence in defense of the allegations in 17 the Accusation and the right to cross-examine witnesses.

18 Respondent, pursuant to the limitations set forth 4. 19 below, hereby admits that the factual allegations of the 20 Accusation filed in this proceeding are true and correct and the 21 Real Estate Commissioner shall not be required to provide further 22 evidence of such allegations. The factual allegations are as 23 follows: On or about August 23, 2010, in the Superior Court of 24 California, County of San Diego, in case no. CN279019, Respondent 25 was convicted of violating California Penal Code section 484-488 26 (theft), a misdemeanor.

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1 5. It is understood by the parties that the Real 2 Estate Commissioner may adopt the Stipulation and Agreement as 3 his Decision in this matter, thereby imposing the penalty and 4 sanctions on Respondent's real estate license and license rights 5 as set forth in the below "Order." In the event that the Commissioner in his discretion does not adopt the Stipulation and 6 7 Agreement, it shall be void and of no effect, and Respondent 8 shall retain the right to a hearing and proceeding on the 9 Accusation under all the provisions of the APA and shall not be 10 bound by any admission or waiver made herein.

¹¹ 6. The Order or any subsequent Order of the Real
¹² Estate Commissioner made pursuant to this Stipulation and
¹³ Agreement shall not constitute an estoppel, merger, or bar to any
¹⁴ further administrative or civil proceedings by the Bureau of Real
¹⁵ Estate with respect to any matters which were not specifically
¹⁶ alleged to be causes for accusation in this proceeding.

DETERMINATION OF ISSUES

¹⁸ By reason of the foregoing stipulations, admissions,
 ¹⁹ and waivers and solely for the purpose of settlement of the
 ²⁰ pending Accusation without a hearing, it is stipulated and agreed
 ²¹ that the following determination of issues shall be made:

The conduct of Respondent, as set forth in the Accusation, is grounds for the suspension or revocation of all of the real estate licenses and license rights of Respondent under the provision of California Business and Professions Code sections <u>490</u> and <u>10177(b)</u>.

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ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made: 2 All licenses and licensing rights of Respondent 3 MICHAEL JOSEPH STEPHEN MILLER, under the Real Estate Law are 4 revoked; provided, however, a restricted real estate salesperson 5 license shall be issued to Respondent pursuant to California 6 Business and Professions Code section 10156.5 if Respondent 7 makes application therefor and pays to the Bureau of Real Estate 8 the appropriate fee for the restricted license within 90 days 9 from the effective date of this Decision. The restricted 10 license issued to Respondent shall be subject to all of the 11 provisions of California Business and Professions Code section 12 10156.7 and to the following limitations, conditions, and 13 restrictions imposed under authority of the California Business 14 and Professions Code: 15 The restricted license issued to Respondent may be 16 1. 17 suspended prior to hearing by Order of the Real Estate 18 Commissioner in the event of Respondent's conviction or plea of nolo contendere to a crime which is substantially related to 19 20 Respondent's fitness or capacity as a real estate licensee. 21 2. The restricted license issued to Respondent may be suspended prior to hearing by Order of the Real Estate 22 Commissioner on evidence satisfactory to the Commissioner that 23 24Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate 25 26 27

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Commissioner, or conditions attaching to this restricted 2 license.

Respondent shall not be eligible to apply for the 3 3. issuance of an unrestricted real estate license nor for the 4 removal of any of the conditions, limitations, or restrictions 5 6 of a restricted license until three (3) years have elapsed from 7 the date of issuance of the restricted license to Respondent.

Respondent shall submit with any application for 8 4. 9 license under an employing broker, or any application for 10 transfer to a new employing broker, a statement signed by the 11 prospective employing real estate broker on a form approved by the Bureau of Real Estate which shall certify: (a) That the 12 13 employing broker has read the Decision of the Commissioner which 14 granted the right to a restricted license; and (b) That the 15 employing broker will exercise close supervision over the 16 performance by the restricted licensee relating to activities 17 for which a real estate license is required.

Respondent shall, within nine (9) months from the 5. 18 effective date of this Decision, present evidence satisfactory to 19 the Real Estate Commissioner that Respondent has taken and 20 successfully completed the continuing education requirements of 21 Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a 22 real estate license. Proof of satisfaction of this requirement 23 includes evidence that Respondent has successfully completed the 24 continuing education requirements within 120 days prior to the 25 effective date of the Decision in this matter. If Respondent 26

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fails to satisfy this condition, the Commissioner may order the
suspension of the restricted license until the Respondent
presents such evidence. The Commissioner shall afford Respondent
the opportunity for a hearing pursuant to the Administrative
Procedure Act to present such evidence.

Respondent shall, within six (6) months from the 6. 6 7 effective date of this Decision, take and pass the Professional Responsibility Examination administered by the Bureau of Real 8 Estate including the payment of the appropriate examination fee. 9 If Respondent fails to satisfy this condition, the Commissioner 10 may order suspension of Respondent's license until Respondent 11 passes the examination. The Commissioner shall afford Respondent 12 the opportunity for a hearing pursuant to the Administrative 13 Procedure Act to present such evidence. 14

15 Respondent shall notify the Commissioner in 7. 16 writing within 72 hours of any arrest by sending a certified 17 letter to the Commissioner at the Bureau of Real Estate, Flag 18 Section, Post Office Box 137013, Sacramento, CA 95813-7013. The 19 letter shall set forth the date of Respondent's arrest, the 20 crime for which Respondent was arrested, and the name and 21 address of the arresting law enforcement agency. Respondent's 22 failure to timely file written notice shall constitute an 23 independent violation of the terms of the restricted license and 24 shall be grounds for the suspension or revocation of that 25 license.

8. Pursuant to California Business and Professions

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Code section 10106, Respondent shall pay the Commissioner's reasonable cost for investigation and enforcement of the matter. The investigation and enforcement cost which led to this disciplinary action is \$1,087.50. Said payment shall be made by the effective date of this Order, herein. Said payment shall be in the form of a cashier's check or certified check made payable to the Bureau of Real Estate.

8 The Commissioner may suspend Respondent's licenses 9 pending a hearing held in accordance with California Government 10 Code section 11500, et seq., if payment is not timely made as 11 provided for herein, or as provided for in a subsequent agreement 12 between Respondent and the Commissioner. The suspension shall 13 remain in effect until payment is made in full or until 14 Respondent enters into an agreement satisfactory to the 15 Commissioner to provide for payment, or until a decision 16 providing otherwise is adopted following a hearing held pursuant 17 to this condition.

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DATED:

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DYANE/LEE Counsel for Complainant

I have read the Stipulation and Agreement, have discussed it with my counsel, and its terms are understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the California Administrative Procedure Act (including but not limited to California Government

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10/17/2013

Code sections 11506, 11508, 11509, and 11513), and I willingly,
 intelligently, and voluntarily waive those rights, including the
 right of requiring the Commissioner to prove the allegations in
 the Accusation at a hearing at which I would have the right to
 cross-examine witnesses against me and to present evidence in
 defense and mitigation of the charges.

7 Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by faxing 0 a copy of the signature page, as actually signed by Respondent, 9 to the Bureau of Real Estate at fax number (213) 576-6917. 10 Respondent agrees, acknowledges, and understands that by 11 electronically sending to the Bureau of Real Estate a fax copy. 12 of his actual signature as it appears on the Stipulation and 13 Agreement, that receipt of the faxed copy by the Bureau of Real 14 Estate shall be as binding on Respondent as if the Bureau of 15 Real Estate had received the original signed Stipulation and 16 1.7 Agreement.

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MICHAEL JOSEPH STEPHEN MILLER Respondent

Code sections 11506, 11508, 11509, and 11513), and I willingly, intelligently, and voluntarily waive those rights, including the right of requiring the Commissioner to prove the allegations in the Accusation at a hearing at which I would have the right to cross-examine witnesses against me and to present evidence in defense and mitigation of the charges.

Respondent can signify acceptance and approval of the 7 terms and conditions of this Stipulation and Agreement by faxing 8 a copy of the signature page, as actually signed by Respondent, 9 to the Bureau of Real Estate at fax number (213) 576-6917. 10 Respondent agrees, acknowledges, and understands that by 11 electronically sending to the Bureau of Real Estate a fax copy 12 of his actual signature as it appears on the Stipulation and 13 Agreement, that receipt of the faxed copy by the Bureau of Real 14 Estate shall be as binding on Respondent as if the Bureau of 15 Real Estate had received the original signed Stipulation and 16 Agreement. 17

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DATED:

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MICHAEL JOSEPH STEPHEN MILLER Respondent

1	I have reviewed the Stipulation and Agreement as to		
2	form and content, and have advised my client accordingly.		
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4	DATED: 10-16-13		
5	Steven C. Vondran		
6	Respondent's Counsel		
7	Mbo Favored and Outlood Touch		
в	The foregoing Stipulation and Agreement is hereby		
ų	adopted as my Decision in this matter and shall become effective		
10	at 12 o'clock noon on		
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12	IT IS SO ORDERED, 2013.		
13	REAL ESTATE COMMISSIONER		
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1.5	Wayne S. Bell		
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1	I have reviewed the Stipulation and Agreement as to	
2	form and content, and have advised my client accordingly.	
3		
4	DATED:	
5	Steven C. Vondran Respondent's Counsel	
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7	The foregoing Stipulation and Agreement is hereby	
8	adopted as my Decision in this matter and shall become effective	
9	at 12 o'clock noon on December 5, 2013	
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11	IT IS SO ORDERED NOVEMBER E, 2013.	
12	REAL ESTATE COMMISSIONER	
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14	(H)	
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16	By: JEFFREY MASON Chief Deputy Commissioner	
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