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1 Department of Real Estate  
2 320 West Fourth Street, #350  
3 Los Angeles, California 90013  
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**FILED**

**AUG -8 2013**

**BUREAU OF REAL ESTATE**

By *[Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of ) NO. H-38355 LA  
JULIAN PEREZ MICHALOWSKI, )  
Respondent. )  
STIPULATION AND AGREEMENT.

It is hereby stipulated by and between JULIAN PEREZ MICHALOWSKI (hereinafter "Respondent") and his attorney, Marisol Ocampo, and the Complainant, acting by and through Julie L. To, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on August 20, 2012, in this matter:

1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondent at a formal hearing on the Accusation, which hearing was to be held in accordance with the provisions of the Administrative

1 Procedure Act (APA), shall instead and in place thereof be  
2 submitted solely on the basis of the provisions of this  
3 Stipulation and Agreement.

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

8 3. On October 30, 2012, Respondent filed a Notice of  
9 Defense pursuant to Section 11506 of the Government Code for the  
10 purpose of requesting a hearing on the allegations in the  
11 Accusation. Respondent hereby freely and voluntarily withdraws  
12 said Notice of Defense. Respondent acknowledges that he  
13 understands that by withdrawing said Notice of Defense he will  
14 thereby waive his right to require the Commissioner to prove the  
15 allegations in the Accusation at a contested hearing held in  
16 accordance with the provisions of the APA and that he will waive  
17 other rights afforded to him in connection with the hearing such  
18 as the right to present evidence in defense of the allegations  
19 in the Accusation and the right to cross-examine witnesses.  
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21 4. Respondent, pursuant to the limitations set forth  
22 below, hereby admits that the factual allegations of the  
23 Accusation filed in this proceeding are true and correct and the  
24 Real Estate Commissioner shall not be required to provide  
25 further evidence of such allegations.

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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  
6 Commissioner in his discretion does not adopt the Stipulation  
7 and 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 Department of  
15 Real Estate with respect to any matters which were not  
16 specifically alleged to be causes for accusation in this  
17 proceeding.  
18

19                                   DETERMINATION OF ISSUES

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

24                   The conduct of Respondent, as set forth in the  
25 Accusation constitutes grounds for suspension or revocation of  
26 Respondent's real estate salesperson license under the  
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1 provisions of Sections 490 and 10177(b) of the Business and  
2 Professions Code.

3 ORDER

4 WHEREFORE, THE FOLLOWING ORDER is hereby made:

5 All licenses and licensing rights of Respondent JULIAN  
6 PEREZ MICHALOWSKI under the Real Estate Law are revoked;  
7 provided, however, a restricted real estate salesperson license  
8 shall be issued to Respondent pursuant to Section 10156.5 of the  
9 Business and Professions Code if Respondent makes application  
10 therefor and pays to the Department of Real Estate the  
11 appropriate fee for the restricted license within 90 days from  
12 the effective date of this Decision. The restricted license  
13 issued to Respondent shall be subject to all of the provisions  
14 of Section 10156.7 of the Business and Professions Code and to  
15 the following limitations, conditions and restrictions imposed  
16 under authority of that Code:

17  
18 1. The restricted license issued to Respondent may be  
19 suspended prior to hearing by Order of the Real Estate  
20 Commissioner in the event of Respondent's conviction or plea of  
21 nolo contendere to a crime which is substantially related to  
22 Respondent's fitness or capacity as a real estate licensee.

23 2. The restricted license issued to Respondent may be  
24 suspended prior to hearing by Order of the Real Estate  
25 Commissioner on evidence satisfactory to the Commissioner that  
26 Respondent has violated provisions of the California Real Estate  
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1 Law, the Subdivided Lands Law, Regulations of the Real Estate  
2 Commissioner, or conditions attaching to this restricted  
3 license.

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

9 4. Respondent shall submit with any application for  
10 license under an employing broker, or any application for  
11 transfer to a new employing broker, a statement signed by the  
12 prospective employing broker on a form approved by the Department  
13 of Real Estate which shall certify:

14 (a) That the employing broker has read the Decision of  
15 the Commissioner which granted the right to a restricted  
16 license; and

17 (b) That the employing broker will exercise close  
18 supervision over the performance by the restricted licensee  
19 relating to activities for which a real estate license is  
20 required.  
21


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

8  
9 6. Respondent shall notify the Commissioner in writing  
10 within 72 hours of any arrest by sending a certified letter to  
11 the Commissioner at the Department of Real Estate, Post Office  
12 Box 187000, Sacramento, CA 95818-7000. The letter shall set  
13 forth the date of Respondent's arrest, the crime for which  
14 Respondent was arrested and the name and address of the arresting  
15 law enforcement agency. Respondent's failure to timely file  
16 written notice shall constitute an independent violation of the  
17 terms of the restricted license and shall be grounds for the  
18 suspension or revocation of that license.

19 DATED: \_\_\_\_\_

6-17-13

20   
JULIE L. TO, Counsel for Complainant

21 \* \* \*

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

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

18  
19 DATED: \_\_\_\_\_ JULIAN PEREZ MICHALOWSKI, Respondent

20 \* \* \*

21           *I have reviewed the Stipulation and Agreement as to*  
22 *form and content and have advised my client accordingly.*  
23

24  
25 DATED: \_\_\_\_\_ MARISOL OCAMPO, Attorney for Respondent

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1 11508, 11509 and 11513 of the Government Code), and I willingly,  
2 intelligently and voluntarily waive those rights, including the  
3 right of requiring the Commissioner to prove the allegations in  
4 the Accusation at a hearing at which I would have the right to  
5 cross-examine witnesses against me and to present evidence in  
6 defense and mitigation of the charges.

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


18  
19 DATED: 6/14/2013

  
20 JULIAN PEREZ MICHALOWSKI, Respondent

21 \* \* \*

22 I have reviewed the Stipulation and Agreement as to  
23 form and content and have advised my client accordingly.

24  
25 DATED: 6/14/13

  
26 MARISOL OCAMPO, Attorney for Respondent

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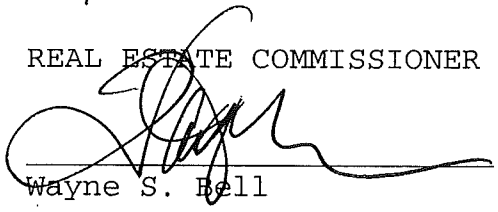


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The foregoing Stipulation and Agreement is hereby  
adopted as my Decision in this matter and shall become effective  
at 12 o'clock noon on August 28, 2013.

IT IS SO ORDERED 7/13/2013.

REAL ESTATE COMMISSIONER  
  
Wayne S. Bell