

1 Department of Real Estate
2 P.O. Box 187007
3 Sacramento, CA 95818-7007
4 Telephone: (916) 227-0781

FILED
JAN 08 2006

DEPARTMENT OF REAL ESTATE

By *Christine M. Mauer*

7 BEFORE THE DEPARTMENT OF REAL ESTATE
8 STATE OF CALIFORNIA

9 * * *

10 In the Matter of the Accusation of) No. H-9407 SF
11 MICHAEL BACKHUS,) STIPULATION AND
12 Respondent.) AGREEMENT

13
14 It is hereby stipulated by and between MICHAEL BACKHUS
15 (hereinafter "Respondent") and the Complainant, acting by and
16 through Truly Sughrue, Counsel for the Department of Real Estate,
17 as follows for the purpose of settling and disposing of the
18 Accusation filed on August 5, 2004 in this matter:

19 1. All issues which were to be contested and all
20 evidence which was to be presented by Complainant and Respondent
21 at a formal hearing on the Accusation, which hearing was to be
22 held in accordance with the provisions of the Administrative
23 Procedure Act (APA), shall instead and in place thereof be
24 submitted solely on the basis of the provisions of this
25 Stipulation and Agreement in Settlement.
26
27

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

5 3. Respondent filed a Notice of Defense pursuant to
6 Section 11505 of the Government Code for the purpose of
7 requesting a hearing on the allegations in the Accusation.
8 Respondent hereby freely and voluntarily withdraws said Notice of
9 Defense. Respondent acknowledges that he will thereby waive his
10 right to require the Commissioner to prove the allegations in the
11 Accusation at a contested hearing held in accordance with the
12 provisions of the APA and that he will waive other rights
13 afforded to him in connection with the hearing such as the right
14 to present evidence in defense of the allegations in the
15 Accusation and the right to cross-examine witnesses.

16 4. Respondent, pursuant to the limitations set forth
17 below, hereby admits that the factual allegations contained in
18 the Accusation filed in this proceeding are true and correct and
19 the Real Estate Commissioner shall not be required to provide
20 further evidence to prove such allegations

21 5. It is understood by the parties that the Real
22 Estate Commissioner may adopt the Stipulation and Agreement as
23 his decision in this matter thereby imposing the penalty and
24 sanctions on Respondent's real estate license and license rights
25 as set forth in the below "Order". In the event that the
26 Commissioner in his discretion does not adopt the Stipulation and
27 Agreement in Settlement, it shall be void and of no effect, and

1 restricted license within 90 days from the effective date of this
2 Decision. The restricted license issued to Respondent shall be
3 subject to all of the provisions of Section 10156.7 of the
4 Business and Professions Code an to the following limitations,
5 conditions and restrictions imposed under authority of Section
6 10156.6 of that Code:

7 1. The restricted license issued to Respondent may be
8 suspended prior to hearing by Order of the Real Estate
9 Commissioner in the event of Respondent's conviction or plea of
10 nolo contendere to a crime which is substantially related to
11 Respondent's fitness or capacity as a real estate licensee.

12 2. The restricted license issued to Respondent may be
13 suspended prior to hearing by Order of the Real Estate
14 Commissioner on evidence satisfactory to the Commissioner that
15 Respondent has violated provisions of the California Real Estate
16 Law, the Subdivided Lands Law, Regulations of the Real Estate
17 Commissioner or conditions attaching to the restricted license.

18 3. Respondent shall not be eligible to apply for the
19 issuance of an unrestricted real estate license nor for removal
20 of any of the conditions, limitations or restrictions of a
21 restricted license until two years has elapsed from the effective
22 date of this Decision.

23 4. Respondent shall submit with any application for
24 license under an employing broker, or any application for
25 transfer to a new employing broker, a statement signed by the
26 prospective employing real estate broker on a form approved by
27 the Department of Real Estate which shall certify:

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- (a) That the employing broker has read the Decision of the Commissioner which granted the right to a restricted license; and
- (b) That the employing broker will exercise close supervision over the performance by the restricted licensee relating to activities for which a real estate license is required.

14-Nov-05
DATED

Truly S-g
Truly Sughrue, Counsel
DEPARTMENT OF REAL ESTATE

* * *

I have read the Stipulation and Agreement, 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 Sections 11506, 11508, 11509, and 11513 of the Government Code), 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.

11/3/05
DATED

M. Backhus
MICHAEL BACKHUS
Respondent

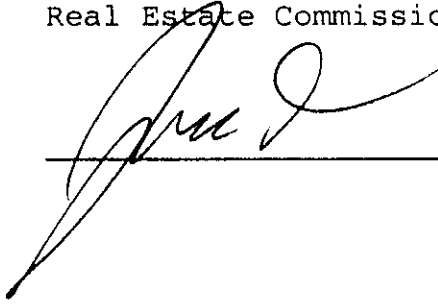
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The foregoing Stipulation and Agreement for Settlement
is hereby adopted by the Real Estate Commissioner as Decision and
Order and shall become effective at 12 o'clock noon on
January 26, 2006

IT IS SO ORDERED 12/24/05, 2005.

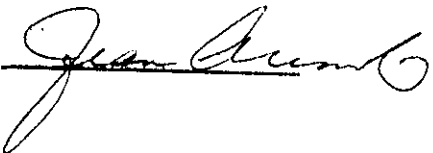
JEFF DAVI
Real Estate Commissioner



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2 State Bar No. 223266
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6
7 Telephone: (916) 227-0781

FILED
OCT 07 2005

DEPARTMENT OF REAL ESTATE

By 

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 MICHAEL BACKHUS,) No. H-9407 SF
13 Respondent.) ACCUSATION

14
15 The Complainant, CHARLES W. KOENIG, a Deputy Real
16 Estate Commissioner of the State of California, for cause of
17 Accusation against MICHAEL BACKHUS (hereinafter "Respondent"), is
18 informed and alleges as follows:

19 I

20 The Complainant, CHARLES W. KOENIG, a Deputy Real
21 Estate Commissioner of the State of California, makes this
22 Accusation in his official capacity.

23 II

24 Respondent is presently licensed and/or has license
25 rights under the Real Estate Law (Part 1 of Division 4 of the
26 Business and Professions Code) (Code) as a real estate
27 salesperson.

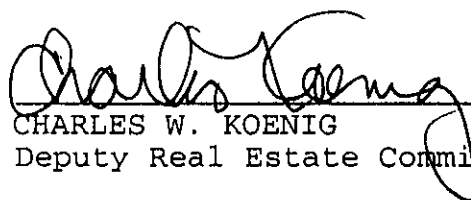
III

1 On or about April 12, 2005, in the Superior Court,
2 County of Marin, Respondent was convicted of Section 243(E)(1) (2
3 counts of Spousal Battery), Section 236 (False Imprisonment), and
4 Section 136.1(A)(2) (Attempt to Prevent or Dissuade a Witness) of
5 the California Penal Code, crimes involving moral turpitude which
6 bear a substantial relationship under Section 2910, Title 10,
7 California Code of Regulations, to the qualifications, functions,
8 or duties of a real estate licensee.
9

IV

10 The facts alleged above constitute cause under Sections
11 490 and 10177(b) of the Code for suspension or revocation of all
12 licenses and license rights of Respondent under the Real Estate
13 Law.
14

15 WHEREFORE, Complainant prays that a hearing be
16 conducted on the allegations of this Accusation and that upon
17 proof thereof, a decision be rendered imposing disciplinary
18 action against all licenses and license rights of Respondent
19 under the Real Estate Law (Part 1 of Division 4 of the Business
20 and Professions Code), and for such other and further relief as
21 may be proper under the provisions of law.
22

23 
24 CHARLES W. KOENIG
25 Deputy Real Estate Commissioner

26 Dated at Sacramento, California,
27 this 28th day of September, 2005