

1 Stipulation and Agreement.

2 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.

6 3. On or about August 26, 2013, Respondent filed a
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
14 accordance 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 4. Respondent, pursuant to the limitations set forth
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 Commissioner, or conditions attaching to this restricted
2 license.

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

8 4. Respondent shall submit with any application for
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
12 the Bureau of Real Estate which shall certify: (a) That the
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.

18 5. Respondent shall, within nine (9) months from the
19 effective date of this Decision, present evidence satisfactory to
20 the Real Estate Commissioner that Respondent has taken and
21 successfully completed the continuing education requirements of
22 Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a
23 real estate license. Proof of satisfaction of this requirement
24 includes evidence that Respondent has successfully completed the
25 continuing education requirements within 120 days prior to the
26 effective date of the Decision in this matter. If Respondent
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1 fails to satisfy this condition, the Commissioner may order the
2 suspension of the restricted license until the Respondent
3 presents such evidence. The Commissioner shall afford Respondent
4 the opportunity for a hearing pursuant to the Administrative
5 Procedure Act to present such evidence.

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

15 7. Respondent shall notify the Commissioner in
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.

26 8. Pursuant to California Business and Professions
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1 Code sections 11506, 11508, 11509, and 11513), 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 Bureau of Real Estate at fax number (213) 576-6917.
11 Respondent agrees, acknowledges, and understands that by
12 electronically sending to the Bureau of Real Estate a fax copy
13 of his actual signature as it appears on the Stipulation and
14 Agreement, that receipt of the faxed copy by the Bureau of Real
15 Estate shall be as binding on Respondent as if the Bureau of
16 Real Estate had received the original signed Stipulation and
17 Agreement.

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19 DATED: 10/16/13



20 MICHAEL JOSEPH STEPHEN MILLER
21 Respondent

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19 DATED: _____

20 MICHAEL JOSEPH STEPHEN MILLER
21 Respondent

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

DATED: 10-16-13



Steven C. Vondran
Respondent's Counsel

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

IT IS SO ORDERED _____, 2013.

REAL ESTATE COMMISSIONER

Wayne S. Bell

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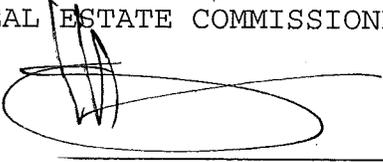
DATED: _____

Steven C. Vondran
Respondent's Counsel

The foregoing Stipulation and Agreement is hereby adopted as my Decision in this matter and shall become effective at 12 o'clock noon on December 5, 2013.

IT IS SO ORDERED NOVEMBER 8, 2013.

REAL ESTATE COMMISSIONER



By: JEFFREY MASON
Chief Deputy Commissioner