

1 Department of Real Estate  
2 320 West 4th Street, Suite 350  
3 Los Angeles, California 90013

4 Telephone: (213) 576-6982

**FILED**

**FEB 05 2024**

**DEPT. OF REAL ESTATE**

By—

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7  
8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of ) No. H-05744 SD  
12 )  
13 MICHAEL DAVID BEJARANO, ) STIPULATION AND  
14 ) AGREEMENT  
Respondent. )

15 It is hereby stipulated by and between Respondent MICHAEL DAVID  
16 BEJARANO ("Respondent"), represented by Earl Pott, Esq., and the Complainant, acting by  
17 and through Diane Lee, Counsel for the Department of Real Estate, as follows for the purpose of  
18 settling and disposing of the Accusation filed on or about October 4, 2023, in this matter:

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

24 2. Respondent has received and read, and understands the Statement to  
25 Respondent, the Discovery Provisions of the APA, and the Accusation filed by the Department  
26 of Real Estate in this proceeding.  
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1                   3. Respondent filed a Notice of Defense pursuant to California Government Code  
2 section 11506 for the purpose of requesting a hearing on the allegations in the Accusation.  
3 Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent  
4 acknowledges that he understands that by withdrawing said Notice of Defense, he thereby  
5 waives his right to require the Commissioner to prove the allegations in the Accusation at a  
6 contested hearing held in accordance with the provisions of the APA and that Respondent will  
7 waive other rights afforded to him in connection with the hearing, such as the right to present  
8 evidence in his defense and the right to cross-examine witnesses.

9                   4. This Stipulation is based on the factual allegations contained in the Accusation  
10 filed in this proceeding. In the interest of expedience and economy, Respondent chooses not to  
11 contest these factual allegations, but to remain silent and understands that, as a result thereof,  
12 these factual statements, will serve as a prima facie basis for the disciplinary action stipulated to  
13 herein. The Real Estate Commissioner shall not be required to provide further evidence to prove  
14 such allegations.

15                   5. It is understood by the parties that the Real Estate Commissioner may adopt  
16 this Stipulation as her Decision in this matter thereby imposing the penalties and sanctions on the  
17 real estate license and license rights of Respondent as set forth in the below "Order." In the  
18 event that the Commissioner in her discretion does not adopt this Stipulation, it shall be void and  
19 of no effect, and Respondent shall retain the right to a hearing and proceeding on the Accusation  
20 under the provisions of the APA and shall not be bound by this Stipulation herein.

21                   6. The Order or any subsequent Order of the Real Estate Commissioner made  
22 pursuant to this Stipulation herein shall not constitute an estoppel, merger, or bar to any further  
23 administrative or civil proceedings by the Department of Real Estate with respect to any matters  
24 which were not specifically alleged to be causes for Accusation in this proceeding.

25                   7. Respondent understands that by agreeing to this Stipulation, Respondent  
26 agrees to pay, pursuant to California Business and Professions Code section 10106, the cost of  
27

1 the investigation and enforcement. The amount of investigation and enforcement cost is  
2 \$1,858.40.

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4 DETERMINATION OF ISSUES

5 By reason of the foregoing, it is stipulated and agreed that the following  
6 determination of issues shall be made:

7 The conduct, acts, and/or omissions of Respondent, as set forth in the Accusation  
8 are grounds for discipline of all the real estate licenses and license rights of Respondent pursuant  
9 to California Business and Professions Code sections 10176(a), 10177(g) (negligence or  
10 incompetence), and 10176(i)/10177(j) (fraud or dishonest dealing).

11  
12 ORDER

13 WHEREFORE, THE FOLLOWING ORDER is hereby made:

14  
15 (RESTRICTED SALESPERSON LICENSE)

16 I.

17 All licenses and licensing rights of Respondent, under the Real Estate Law are  
18 revoked; provided, however, a restricted real estate salesperson license shall be issued to  
19 Respondent pursuant to California Business and Professions Code section 10156.5 if Respondent  
20 makes application therefor and pays to the Department of Real Estate the appropriate fee for the  
21 restricted license within ninety (90) days from the effective date of this Decision. The restricted  
22 license issued to Respondent shall be subject to all of the provisions of California Business and  
23 Professions Code section 10156.7 and to the following limitations, conditions, and restrictions  
24 imposed under authority of California Business and Professions Code section 10156.6.

25 1. The restricted license issued to Respondent may be suspended prior to hearing  
26 by Order of the Real Estate Commissioner in the event of Respondent's conviction or plea of  
27

1 nolo contendere to a crime which is substantially related to Respondent's fitness or capacity as a  
2 real estate licensee.

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

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

12 4. Respondent shall submit with any application for license under an employing  
13 broker, or any application for transfer to a new employing broker, a statement signed by the  
14 prospective employing real estate broker on a form approved by the Department of Real Estate,  
15 such as the Restricted Salesperson Change Application (RE 214A), which shall certify:

16 a. That the employing broker has read the Accusation and the Decision of the  
17 Commissioner which granted the right to a restricted license; and

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

21 5. Respondent shall, within nine (9) months from the effective date of this Order,  
22 present evidence satisfactory to the Commissioner that Respondent has, since the most recent  
23 issuance of an original or renewal real estate license, taken and successfully completed the  
24 continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal  
25 of a real estate license. Continuing education taken on or after November 1, 2023 may be  
26 considered towards this condition. If Respondent fails to satisfy this condition, Respondent's  
27 real estate license shall automatically be suspended until Respondent presents evidence


1 satisfactory to the Commissioner of having taken and successfully completed the continuing  
2 education requirements. Proof of completion of the continuing education courses must be  
3 delivered to the Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA  
4 95813-7013.

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6 (INVESTIGATION AND ENFORCEMENT COSTS)

7 II.

8 Respondent shall, within fifteen (15) days from the effective date of this Decision  
9 and Order, pay the sum of \$1,858.40 for the Commissioner's reasonable cost for investigation  
10 and enforcement which led to this disciplinary action. Said payment shall be in the form of a  
11 cashier's check made payable to the Department of Real Estate. The investigative and  
12 enforcement costs must be delivered to the Department of Real Estate, Flag Section at P.O. Box  
13 137013, Sacramento, CA 95813-7013, within fifteen (15) days from the effective date of this  
14 Decision and Order. If the costs of investigation and enforcement are not paid within fifteen (15)  
15 days from the effective date of this Decision and Order, the licenses and license rights of  
16 Respondent shall automatically be suspended until full payment is made.

17  
18 DATED: 12/21/2023

  
DIANE LEE, Counsel for  
Department of Real Estate

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21 EXECUTION OF THE STIPULATION

22 I, MICHAEL DAVID BEJARANO, have read the Stipulation and discussed it  
23 with my attorney, Earl M. Pott, Esq. Its terms are understood by me, and are agreeable and  
24 acceptable to me. I understand that I am waiving rights given to me by the California APA  
25 (including, but not limited to, California Government Code sections 11506, 11508, 11509, and  
26 11513), and I willingly, intelligently, and voluntarily waive those rights, including, but not  
27 limited to, the right of requiring the Commissioner to prove the allegations in the Accusation at a

1 hearing at which I would have the right to cross-examine witnesses against me, and to present  
2 evidence in defense and mitigation of the charges.

3 MAILING AND E-MAIL

4 Respondent shall mail the original signed signature page of this Stipulation herein  
5 to Department of Real Estate, Attention: Legal Section – Diane Lee, 320 West Fourth Street,  
6 Suite 350, Los Angeles, California 90013-1105.

7 In the event of time constraints before an administrative hearing, Respondent may  
8 signify acceptance and approval of the terms and conditions of this Stipulation and Agreement  
9 by emailing a scanned copy of the signature page, as actually signed by Respondent, to the  
10 Department counsel assigned to this case. Respondent agrees, acknowledges, and understands  
11 that by electronically sending the Department a scan of Respondent's actual signature as it  
12 appears on the Stipulation and Agreement that receipt of the scan by the Department shall be  
13 binding on Respondent as if the Department had received the original signed Stipulation.

14 Respondent's signature below constitutes acceptance and approval of the terms  
15 and conditions of this Stipulation. Respondent agrees, acknowledges, and understands that by  
16 signing this Stipulation, Respondent is bound by its terms as of the date of such signature and  
17 that this agreement is not subject to rescission or amendment at a later date except by a separate  
18 Decision and Order of the Real Estate Commissioner.

19  
20 DATED: 12/21/2023

  
MICHAEL DAVID BEJARANO

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22  
23 DATED: 1/2/2024

  
EARLL M. POTT, ESQ.

Attorney for Respondent MICHAEL DAVID BEJARANO  
*Approved as to Form*

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The foregoing Stipulation and Agreement is hereby adopted as my Decision as to  
Respondent MICHAEL DAVID BEJARANO, and shall become effective at 12 o'clock noon on  
February 26, 2024.

IT IS SO ORDERED 1/30/24.

CHIKA SUNQUIST  
REAL ESTATE COMMISSIONER



By Marcus L. McCarther  
Chief Deputy Real Estate Commissioner