

FILED

APR - 3 2025

DEPT. OF REAL ESTATE

By

Department of Real Estate
320 W. 4th Street, Suite 350
Los Angeles, CA 90013-1105
Telephone: (213) 576-6982

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation Against

MICHAEL ANTHONY BRUNNHOELZL,
doing business as Michael Anthony Properties,

Respondent.

) DRE No. H-05814 SD
) OAH No. 2024090282

) STIPULATION AND AGREEMENT
) IN SETTLEMENT AND ORDER

It is hereby stipulated by and between Respondent MICHAEL ANTHONY BRUNNHOELZL (sometimes referred to as "Respondent"), acting by and through his attorney, G. Ehrich Lenz, Esq., and the Complainant, acting by and through Judith A. Buranday, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation ("Accusation") filed on July 25, 2024, 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 Procedure Act ("APA"), shall instead and in place thereof be submitted solely on the basis of the provisions of this Stipulation and Agreement ("Stipulation").

2. Respondent has received, read and understands the Statement to Respondent,

STIPULATION AND AGREEMENT IN SETTLEMENT AND ORDER

the Discovery Provisions of the APA and the Accusation filed by the Department of Real Estate ("Department") in this proceeding.

3. Respondent filed a Notice of Defense pursuant to Section 11506 of the Government Code for the purpose of requesting a hearing on the allegations in the Accusation. Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent acknowledges that Respondent understands that by withdrawing said Notice of Defense Respondent thereby waives Respondent's right to require the Commissioner to prove the allegations in the Accusation at a contested hearing held in accordance with the provisions of the APA and that Respondent will waive other rights afforded to Respondent in connection with the hearing such as the right to present evidence in his defense, and the right to cross-examine witnesses.

4. Respondent hereby admits that the factual allegations of the Accusation filed in this proceeding are true and correct and the Real Estate Commissioner shall not be required to provide further evidence of such allegations.

5. This Agreement is made for the purpose of reaching an agreed disposition of this proceeding and is expressly limited to this proceeding and not any other proceeding or case in which the Department, or another licensing agency of this state, another state, or the federal government is involved, and otherwise shall not be admissible in any criminal or civil proceeding.

6. It is understood by the parties that the Real Estate Commissioner may adopt this Stipulation as her Decision in this matter thereby imposing the penalty and sanctions on Respondent's real estate licenses and license rights as set forth in the below "Order." In the event that the Commissioner in her discretion does not adopt the Stipulation, the Stipulation shall be void and of no effect and Respondent shall retain the right to a hearing and proceed on the Accusation under the provisions of the APA and shall not be bound by any stipulation or waiver made herein.

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

DETERMINATION OF ISSUES

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

The conduct, acts or omissions of Respondent, as set forth in the Accusation, are in violation of California Business and Professions Code ("Code") sections 10130, 10145, 10148, and 10159.5 and Sections 2731, 2831, 2831.1, 2831.2, 2832, 2832.1, and 2835 of Title 10, Chapter 6, of the California Code of Regulations and are a basis for discipline of Respondent's licenses and license rights pursuant to Code sections 10176(e), 10176(i), 10176(g), 10177(d) and/or 10177(g).

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

I.

All licenses and licensing rights of Respondent under the Real Estate Law are suspended for a period of ninety (90) days from the effective date of this Decision and Order; provided, however, that:

A. The initial sixty (60) days of said suspension shall be stayed upon the following terms and conditions:

1. Respondent shall pay a monetary penalty pursuant to Code section 10175.2 at the rate of \$50.00 per day for each of the sixty (60) days of suspension for a total monetary penalty of \$3,000.

2. Said payment shall be in the form of a cashier's check made payable to the Department of Real Estate. Said check must be delivered to the Department of Real Estate,

Flag Section, at 651 Bannon Street, Suite 504, Sacramento, CA 95811, within thirty (30) days from the effective date of this Decision and Order.

3. No further cause for disciplinary action against the real estate licenses of Respondents occurs within one (1) year from the effective date of the Decision and Order in this matter.

4. If Respondent fails to pay the monetary penalty in accordance with the terms and conditions of the Decision and Order, the suspension shall go into effect automatically. Respondent shall not be entitled to any repayment nor credit, prorated or otherwise, for money paid to the Department under the terms of this Decision and Order.

5. If Respondent pays the monetary penalty and if no further cause for disciplinary action against the real estate licenses of Respondent occurs within one (1) year from the effective date of the Decision and Order, the entire stay hereby granted pursuant to this Decision and Order shall become permanent.

B. The remaining thirty (30) days shall be stayed for one (1) year upon the following terms and conditions:

1. That Respondent shall obey all laws, rules and regulations governing the rights, duties and responsibilities of a real estate licensee in the State of California; and

2. That no final subsequent determination be made after hearing or upon stipulation, that cause for disciplinary action occurred within one (1) year from the effective date of this Decision and Order. Should such a determination be made, the Commissioner may, in her discretion, vacate and set aside the stay order and re-impose all or a portion of the stayed suspension. Should no such determination be made under this section, the stay imposed herein shall become permanent.

II.

Pursuant to Code section 10148, Respondent shall pay the Commissioner's reasonable costs, not to exceed \$22,021.25, for a subsequent audit to determine if Respondent has corrected the violations found in the Determination of Issues. In calculating the amount of

the Commissioner's reasonable costs, the Commissioner may use the estimated average hourly salary for all persons performing audits of real estate brokers, and shall include an allocation for travel time to and from the auditor's place of work. Respondent shall pay such costs within sixty (60) days of receiving an invoice therefore from the Commissioner. Payment of the audit costs should not be made until Respondent receives the invoice. If Respondent fails to satisfy this condition in a timely manner as provided for herein, Respondent's real estate license shall automatically be suspended until payment is made in full, or until a decision providing otherwise is adopted following a hearing held pursuant to this condition.


III.

All licenses and licensing rights of Respondent are indefinitely suspended unless or until Respondent pays the sum of \$4,755.60 for the Commissioner's reasonable costs of the investigation (\$3,594.00) and enforcement (\$1,161.60) which led to this disciplinary action. Said payment shall be in the form of a cashier's check made payable to the Department of Real Estate. The investigative and enforcement costs must be delivered to the Department of Real Estate, Flag Section at 651 Bannon Street, Suite 504, Sacramento, CA 95811, prior to the effective date of this Decision and Order.

IV.

All licenses and licensing rights of Respondent are indefinitely suspended unless or until Respondent provides proof satisfactory to the Commissioner, of having taken and successfully completed the continuing education course on trust fund accounting and handling specified in paragraph (3) of subdivision (a) of Section 10170.5 of the Business and Professions Code. Proof of satisfaction of these requirements includes evidence that Respondent has successfully completed the trust fund account and handling continuing education course, no earlier than 120 days prior to the effective date of the Decision and Order in this matter. Proof of completion of the trust fund accounting and handling course must be delivered to the Department of Real Estate, Flag Section at 651 Bannon Street, Suite 504, Sacramento, CA 95811, prior to the effective date of this Decision and Order.

DATED: 10/31/2024


Judith A. Buranday, Counsel for
Department of Real Estate

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EXECUTION OF THE STIPULATION

I have read the Stipulation, have discussed it with 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 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.

Respondent shall mail the original signed signature page of the stipulation herein to Judith A. Buranday, Attention: Legal Section, Department of Real Estate, 320 W. Fourth St., Suite 350, Los Angeles, California 90013-1105.

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

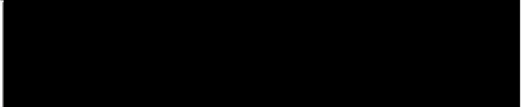
Respondent's signature below constitutes acceptance and approval of the terms and conditions of this Stipulation. Respondent agrees, acknowledges and understands that by signing this Stipulation, Respondent is bound by its terms as of the date of such signatures and

1 that this agreement is not subject to rescission or amendment at a later date except by a separate
2 Decision and Order of the Real Estate Commissioner.

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4 DATED: 10-31-24


MICHAEL ANTHONY BRUNNHÖELZL
Respondent

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7 DATED: 10/31/24



G. Ehrich Lenz, Esq.
Counsel for Respondent
Approved as to Form

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11 The foregoing Stipulation and Agreement is hereby adopted as my Decision as to
12 Respondent MICHAEL ANTHONY BRUNNHÖELZL and shall become effective at 12 o'clock
13 noon on APR 23 2025.

14 IT IS SO ORDERED 3/27/2025

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17 CHIKA SUNQUIST
REAL ESTATE COMMISSIONER

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By: Marcus L. McCarther
Chief Deputy Real Estate Commissioner