

1 Department of Real Estate  
2 320 W. 4th Street, Suite 350  
3 Los Angeles, CA 90013-1105

4 Telephone: (213) 576-6982

**FILED**

**MAR 18 2025**

**DEPT. OF REAL ESTATE**

By- [REDACTED]

8 **DEPARTMENT OF REAL ESTATE**  
9 **STATE OF CALIFORNIA**

10 \*\*\*

11 In the Matter of the Accusation of

12 JAMES RICHARD LACKEY,

13 Respondent.

) DRE No. H-05828 SD  
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)  
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)

**STIPULATION AND AGREEMENT**  
**IN SETTLEMENT AND ORDER**

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16 It is hereby stipulated by and between Respondent JAMES RICHARD LACKEY  
17 ("Respondent") and his attorney of record, Michael R. Pfeifer, Esq. of Weiner Brodsky Kider PC,  
18 and the Complainant, acting by and through Kevin H. Sun, Counsel for the Department of Real  
19 Estate, as follows for the purpose of settling and disposing of the Accusation filed on September  
20 10, 2024, in this matter (Case No. H-05828 SD):

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

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

4                   3. On or about September 25, 2024, Respondent filed a Notice of Defense pursuant  
5     to Section 11506 of the Government Code for the purpose of requesting a hearing on the allegations  
6     in the Accusation. Respondent hereby freely and voluntarily withdraws said Notice of Defense.  
7     Respondent acknowledges that he understands that by withdrawing said Notice of Defense he will  
8     thereby waive his rights to require the Commissioner to prove the allegations in the Accusation at a  
9     contested hearing held in accordance with the provisions of the APA and that he will waive other  
10    rights afforded to him in connection with the hearing such as the right to present evidence in  
11    defense of the allegations in the Accusation and the right to cross-examine witnesses.

12                  4. This Stipulation is based on the factual allegations contained in the Accusation.  
13    In the interest of expedience and economy, Respondent chooses not to contest these allegations, but  
14    to remain silent, and understands that, as a result thereof, these factual allegations, without being  
15    admitted or denied, will serve as a prima facie basis for the disciplinary action stipulated to herein.  
16    The Real Estate Commissioner shall not be required to provide further evidence to prove said  
17    factual allegations.

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

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

1 made herein.

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

6 **DETERMINATION OF ISSUES**

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

10 The conduct of Respondent, as described in the Accusation, is in violation of  
11 California Business and Professions Code ("Code") Sections 10166.02, 10232.3, 10232.4, 10236.7,  
12 and 10238 and Health and Safety Code Section 35830 and is ground for the suspension or  
13 revocation of the real estate license and license rights of Respondent under the provision of Code  
14 Sections 10166.05, 10166.051, 10177(d), and 10177(g).

15 **ORDER**

16 WHEREFORE, THE FOLLOWING ORDER is hereby made:

17 All licenses and licensing rights of Respondent JAMES RICHARD LACKEY under  
18 the Real Estate Law are hereby revoked; provided, however, a restricted real estate broker license  
19 and a restricted Mortgage Loan Originator ("MLO") endorsement shall be issued to Respondent  
20 pursuant to Section 10156.5 of the Business and Professions Code if Respondent makes application  
21 therefor and pays to the Department of Real Estate the appropriate fee for said license within ninety  
22 (90) days from the effective date of this Decision. The restricted license issued to Respondent shall  
23 be subject to all of the provisions of Section 10156.7 of the Business and Professions Code and to  
24 the following limitations, conditions and restrictions imposed under authority of Section 10156.6 of  
25 that Code:

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

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

7           3. Respondent shall not be eligible for the issuance of any unrestricted real estate  
8 license nor for the removal of any of the conditions, limitations or restrictions of the restricted  
9 license until at least two (2) years have elapsed from the effective date of this Decision.  
10 Respondent shall not be eligible to apply for any unrestricted licenses until all restrictions attaching  
11 to the license have been removed.


12           4. All licenses and licensing rights of Respondent are indefinitely suspended  
13 unless or until Respondent pays the sum of \$4,400.45 for the Commissioner's reasonable cost of  
14 the investigation and enforcement which led to this disciplinary action. Said payment shall be in  
15 the form of a cashier's check made payable to the Department of Real Estate. The investigative and  
16 enforcement costs must be delivered to the Department of Real Estate, Flag Section at 651 Bannon  
17 Street, Suite 504, Sacramento, CA 95811, prior to the effective date of this Order.

18           5. Respondent shall notify the Commissioner in writing within 72 hours of any  
19 arrest by sending a certified letter to the Commissioner at the Department of Real Estate, 651  
20 Bannon Street, Suite 504, Sacramento, CA 95811. The letter shall set forth the date of Respondent's  
21 arrest, the crime for which Respondent was arrested and the name and address of the arresting law  
22 enforcement agency. Respondent's failure to timely file written notice shall constitute an  
23 independent violation of the terms of the restricted license and shall be grounds for the suspension  
24 or revocation of that license.

25           6. Respondent shall, within nine (9) months from the effective date of this Order,  
26 present evidence satisfactory to the Commissioner that Respondent has, since the most recent  
27 issuance of an original or renewal real estate license, taken and successfully completed the

1 continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal  
2 of a real estate license. If Respondent fails to satisfy this condition, Respondent's real estate  
3 license shall automatically be suspended until Respondent presents evidence satisfactory to the  
4 Commissioner of having taken and successfully completed the continuing education requirements.  
5 Proof of completion of the continuing education courses must be delivered to the Department of  
6 Real Estate, Flag Section at 651 Bannon Street, Suite 504, Sacramento, CA 95811.

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8 DATED: 2/12/2025

  
Kevin H. Sun, Counsel for  
Department of Real Estate

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11 \* \* \*

12 **EXECUTION OF THE STIPULATION**

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

20 Respondent shall mail the original signed signature page of the stipulation herein to  
21 Kevin H. Sun, Attention: Legal Section, Department of Real Estate, 320 W. Fourth St., Suite 350,  
22 Los Angeles, California 90013-1105.

23 In the event of time constraints before an administrative hearing, Respondent can  
24 signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by  
25 emailing a scanned copy of the signature page, as actually signed by Respondent, to the  
26 Department counsel assigned to this case. Respondent agrees, acknowledges and understands that  
27 by electronically sending the Department a scan of Respondent's actual signature as it appears on

1 the Stipulation and Agreement that receipt of the scan by the Department shall be binding on  
2 Respondent as if the Department had received the original signed Stipulation. Respondent shall also  
3 mail the original signed signature page of this Stipulation to the Department counsel.

4 Respondent's signatures below constitute acceptance and approval of the terms and  
5 conditions of this Stipulation. Respondent agrees, acknowledges and understands that by signing  
6 this Stipulation, Respondent is bound by its terms as of the date of such signatures and that this  
7 agreement is not subject to rescission or amendment at a later date except by a separate Decision  
8 and Order of the Real Estate Commissioner.

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10 DATED: 1/27/2025

JAMES RICHARD LACKEY  
Respondent

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12 DATED: 2-3-2025

Michael R. Pfeifer, Esq.  
Counsel for Respondent  
Approved as to Form

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17 The foregoing Stipulation and Agreement is hereby adopted as my Decision as to  
18 Respondent JAMES RICHARD LACKEY in this matter and shall become effective at 12 o'clock  
19 noon on 04-17-2025, 2024.

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21 IT IS SO ORDERED 3/10/2025, 2024.

22 CHIKA SUNQUIST  
23 REAL ESTATE COMMISSIONER

24  
25  
26 By: Marcus L. McCarther  
Chief Deputy Real Estate Commissioner