

1 BUREAU OF REAL ESTATE
2 P. O. Box 137007
3 Sacramento, CA 95813-7007

4 Telephone: (916) 263-8670
5 Fax: (916) 263-3767

FILED

AUG - 7 2015

BUREAU OF REAL ESTATE

By K. Contreras

6
7
8 BEFORE THE BUREAU OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) NO. H-6233 SAC
12)
13 MITCHELL LUKE ABDALLAH,) CORRECTED
14) STIPULATION AND AGREEMENT
15 Respondent.) IN SETTLEMENT AND ORDER

16 It is hereby stipulated by and between Respondent MITCHELL LUKE
17 ABDALLAH (herein "Respondent") and the Complainant, acting by and through Mary F.
18 Clarke, Counsel for the Bureau of Real Estate (herein "the Bureau"), as follows for the purpose
19 of settling and disposing of the Accusation filed on March 5, 2015, in this matter:

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

26 2. Respondent has received, read and understands the Statement to Respondent,
27 the Discovery Provisions of the APA, and the Accusation filed by the Bureau in this proceeding.

1 3. A Notice of Defense was filed on March 19, 2015, by Respondent, pursuant to
2 Section 11505 of the Government Code for the purpose of requesting a hearing on the allegations
3 in the Accusation. Respondent hereby freely and voluntarily withdraws said Notice of Defense.
4 Respondent acknowledges that he understands that by withdrawing said Notice of Defense,
5 he will thereby waive his right to require the Real Estate Commissioner (herein "Commissioner")
6 to prove the allegations in the Accusation at a contested hearing held in accordance with the
7 provisions of the APA and that he will waive other rights afforded to him in connection with the
8 hearing such as the right to present evidence in defense of the allegations in the Accusation and
9 the right to cross-examine witnesses.

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

13 5. It is understood by the parties that the Commissioner may adopt the Corrected
14 Stipulation as his Decision in this matter thereby imposing the penalty and sanctions on
15 Respondent's real estate license and license rights as set forth in the below "Order". In the event
16 that the Commissioner in his discretion does not adopt the Corrected Stipulation, it shall be void
17 and of no effect, and Respondent shall retain the right to a hearing and proceeding on the
18 Accusation under all the provisions of the APA and shall not be bound by any admission or
19 waiver made herein.

20 6. The Decision or any subsequent Decision of the Commissioner made pursuant
21 to this Corrected Stipulation shall not constitute an estoppel, merger, or bar to any further
22 administrative or civil proceedings by the Bureau with respect to any matters which were not
23 specifically alleged to be causes for accusation in this proceeding.

24 7. Respondent further understands that by agreeing to this Corrected Stipulation,
25 Respondent agrees to pay, pursuant to Section 10106(a) of the California Business and
26 Professions Code (herein "Code"), investigative and enforcement costs which led to this
27 disciplinary action. The amount of said cost is \$1,496.65.

1
2 DETERMINATION OF ISSUES

3 I

4 The acts and omissions of Respondent as described in the Accusation are
5 grounds for the suspension or revocation of the license and license rights of Respondent under
6 Sections 10177(f), 10186.2(a)(1)(C), 10186.2(a)(2) and 10186.2(b) of the Code.

7 ORDER

8 All licenses and licensing rights of Respondent under the Real Estate Law are
9 revoked; provided, however, a restricted real estate broker license shall be issued to Respondent
10 pursuant to Section 10156.5 of the Code if Respondent makes application therefor and pays to
11 the Bureau the appropriate fee for the restricted license within 90 days from the effective date of
12 this Decision. The restricted license issued to Respondent shall be subject to all of the provisions
13 of Section 10156.7 of the Code and to the following limitations, conditions and restrictions
14 imposed under authority of Section 10156.6 of that Code:

15 1. The restricted license issued to Respondent may be suspended prior to hearing
16 by Order of the Commissioner in the event of Respondent's conviction or plea of nolo contendere
17 to a crime which is substantially related to Respondent's fitness or capacity as a real estate
18 licensee.

19 2. The restricted license issued to Respondent may be suspended prior to hearing
20 by Order of the Commissioner on evidence satisfactory to the Commissioner that Respondent has
21 violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of
22 the Real Estate Commissioner or conditions attaching to the restricted license.

23 3. Respondent shall not be eligible to apply for the issuance of an unrestricted
24 real estate license nor for removal of any of the conditions, limitations or restrictions of a
25 restricted license until two (2) years have elapsed from the effective date of this Decision.

26 4. All licenses and licensing rights of Respondent are indefinitely suspended
27 unless or until Respondent pays the sum of \$1,496.65 for the Commissioner's reasonable cost of

1 the investigation and enforcement which led to this disciplinary action. Said payment shall be in
2 the form of a cashier's check made payable to the Bureau of Real Estate. **The investigative and**
3 **enforcement costs must be delivered to the Bureau of Real Estate, Flag Section at P.O. Box**
4 **137013, Sacramento, CA 95813-7013, prior to the effective date of this Decision.**

5 5. Respondent shall, within nine (9) months from the effective date of this
6 **Decision**, present evidence satisfactory to the Commissioner that Respondent has, since the most
7 recent issuance of an original or renewal real estate license, taken and successfully completed the
8 continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal
9 of a real estate license. If Respondent fails to satisfy this condition, Respondent's real estate
10 license shall automatically be suspended until Respondent presents evidence satisfactory to the
11 Commissioner of having taken and successfully completed the continuing education
12 requirements. **Proof of completion of the continuing education courses must be delivered to**
13 **the Bureau of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013.**

14 6. Respondent shall, within six (6) months from the effective date of this
15 **Decision**, take and pass the Professional Responsibility Examination administered by the
16 Bureau including the payment of the appropriate examination fee. If Respondent fails to satisfy
17 this condition, Respondent's real estate license shall automatically be suspended until
18 Respondent passes the examination.

19
20 7-15-15

21 DATED

22 MARY F. CLARKE, Counsel
23 BUREAU OF REAL ESTATE

24 * * *

25 I have read the Corrected Stipulation and its terms are understood by me and are
26 agreeable and acceptable to me. I understand that I am waiving rights given to me by the
27 California APA (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

1 the right of requiring the Commissioner to prove the allegations in the Accusation at a hearing at
2 which I would have the right to cross-examine witnesses against me and to present evidence in
3 defense and mitigation of the charges.

4
5 July 8, 2015

6 DATED

7 ML

MITCHELL LUKE ABDALLAH
Respondent

8 * * *

9 The foregoing Corrected Stipulation and Agreement in Settlement and Order as to
10 Respondent MITCHELL LUKE ABDALLAH, is hereby adopted by me as my Decision in this
11 matter and shall become effective at 12 o'clock noon on AUG 31 2015

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13 IT IS SO ORDERED

August 11, 2015

14 REAL ESTATE COMMISSIONER

15 JEFFREY MASON

16 By: JEFFREY MASON
17 Chief Deputy Commissioner
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FILED

JUL - 6 2015

BUREAU OF REAL ESTATE

By K. Contreras

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)

MITCHELL LUKE ABDALLAH,)

Respondent.)

NO. H-6233 SAC

ORDER STAYING EFFECTIVE DATE

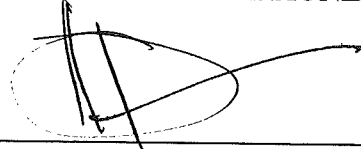
On June 16, 2015, a Decision was rendered in the above-entitled matter to become effective on July 9, 2015.

IT IS HEREBY ORDERED that the effective date of the Decision of the Real Estate Commissioner of July 9, 2015, is stayed for a period of sixty (60) days.

The Decision of the Real Estate Commissioner of June 16, 2015, shall become effective at 12 o'clock noon on August 10, 2015.

DATED: July 3, 2015

REAL ESTATE COMMISSIONER



By: **JEFFREY MASON**
Chief Deputy Commissioner

FILED

JUN 18 2015

BUREAU OF REAL ESTATE
P. O. Box 137007
Sacramento, CA 95813-7007

BUREAU OF REAL ESTATE

By S. Black

Telephone: (916) 263-8670
Fax: (916) 263-3767

BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of	)	NO. H-6233 SAC
	)	
MITCHELL LUKE ABDALLAH,	)	<u>STIPULATION AND AGREEMENT</u>
	)	<u>IN SETTLEMENT AND ORDER</u>
	)	
Respondent.	)	

It is hereby stipulated by and between Respondent MITCHELL LUKE ABDALLAH (herein "Respondent") and the Complainant, acting by and through Mary F. Clarke, Counsel for the Bureau of Real Estate (herein "the Bureau"), as follows for the purpose of settling and disposing of the Accusation filed on March 5, 2015, 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 (herein "APA"), shall instead and in place thereof be submitted solely on the basis of the provisions of this Stipulation and Agreement in Settlement and Order (herein "Stipulation").

2. Respondent has received, read and understands the Statement to Respondent, the Discovery Provisions of the APA, and the Accusation filed by the Bureau in this proceeding.

1 3. A Notice of Defense was filed on March 19, 2015, by Respondent, pursuant to
2 Section 11505 of the Government Code for the purpose of requesting a hearing on the allegations
3 in the Accusation. Respondent hereby freely and voluntarily withdraws said Notice of Defense.
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6 to prove the allegations in the Accusation at a contested hearing held in accordance with the
7 provisions of the APA and that he will waive other rights afforded to him in connection with the
8 hearing such as the right to present evidence in defense of the allegations in the Accusation and
9 the right to cross-examine witnesses.

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

13 5. It is understood by the parties that the Commissioner may adopt the Stipulation
14 as his Decision in this matter thereby imposing the penalty and sanctions on Respondent's real
15 estate license and license rights as set forth in the below "Order". In the event that the
16 Commissioner in his discretion does not adopt the Stipulation, it shall be void and of no effect,
17 and Respondent shall retain the right to a hearing and proceeding on the Accusation under all the
18 provisions of the APA and shall not be bound by any admission or waiver made herein.

19 6. The Decision or any subsequent Decision of the Commissioner made pursuant
20 to this Stipulation shall not constitute an estoppel, merger, or bar to any further administrative or
21 civil proceedings by the Bureau with respect to any matters which were not specifically alleged to
22 be causes for accusation in this proceeding.

23 7. Respondent further understands that by agreeing to this Stipulation,
24 Respondent agrees to pay, pursuant to Section 10106(a) of the California Business and
25 Professions Code (herein "Code"), investigative and enforcement costs which led to this
26 disciplinary action. The amount of said cost is \$1,496.65.
27

1 DETERMINATION OF ISSUES

2 I

3 The acts and omissions of Respondent as described in the Accusation are
4 grounds for the suspension or revocation of the license and license rights of Respondent under
5 Sections 10177(b) and 490 of the Code and Section 2910, Title 10, of the California Code of
6 Regulations (herein "Regulations").

7 ORDER

8 All licenses and licensing rights of Respondent under the Real Estate Law are
9 revoked; provided, however, a restricted real estate broker license shall be issued to Respondent
10 pursuant to Section 10156.5 of the Code if Respondent makes application therefor and pays to
11 the Bureau the appropriate fee for the restricted license within 90 days from the effective date of
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18 estate licensee.

19 2. The restricted license issued to Respondent may be suspended prior to
20 hearing by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner
21 that Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands
22 Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted
23 license.

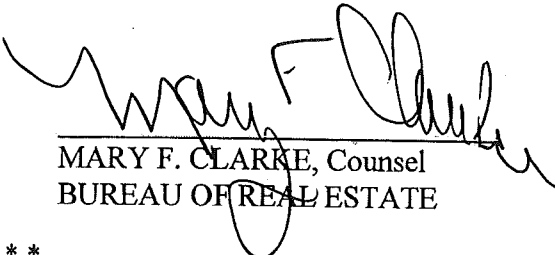
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25 unrestricted real estate license nor for removal of any of the conditions, limitations or restrictions
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18 Bureau including the payment of the appropriate examination fee. If Respondent fails to satisfy
19 this condition, Respondent's real estate license shall automatically be suspended until
20 Respondent passes the examination.

21
22 6-1-15
23 _____
24 DATED

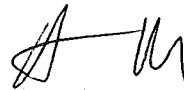
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26 MARY F. CLARKE, Counsel
27 BUREAU OF REAL ESTATE

26 I have read the Stipulation and its terms are understood by me and are agreeable
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1 (including but not limited to Sections 11506, 11508, 11509, and 11513 of the Government
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4 would have the right to cross-examine witnesses against me and to present evidence in defense
5 and mitigation of the charges.

6
7 5-13-15

8 DATED

9 

10 MITCHELL LUKE ABDALLAH
11 Respondent

12 * * *

13 The foregoing Stipulation and Agreement in Settlement and Order as to
14 Respondent MITCHELL LUKE ABDALLAH, is hereby adopted by me as my Decision in this
15 matter and shall become effective at 12 o'clock noon on JUL 09 2015

16 IT IS SO ORDERED

17 June 16, 2015

18 REAL ESTATE COMMISSIONER

19 

20 By: JEFFREY MASON
21 Chief Deputy Commissioner