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BUREAU OF REAL ESTATE

By

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BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

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In the Matter of the Application of:

MICHAEL JAMES WISCHMEYER,

Respondent.

No. H-6696 SAC

STATEMENT OF ISSUES

The Complainant, TRICIA PARKHURST, in her official capacity as a
Supervising Special Investigator of the Bureau of Real Estate ("Bureau") of the State of
California, brings this Statement of Issues against Respondent MICHAEL JAMES
WISCHMEYER ("Respondent"), and is informed and alleges as follows:

1

Respondent made application to the Bureau for a real estate salesperson license
on or about January 5, 2018.

CRIMINAL CONVICTIONS

2

On or about September 1, 2015, in the State of Nevada, County of Douglas,
Justice Court of Tahoe Township, Case No. 15-CR-0472, Respondent was convicted of violating
Nevada Revised Statute 205.300 (embezzlement), a misdemeanor and crime that bears a
substantial relationship under Section 2910, Title 10, of the California Code of Regulations
("Regulations") to the qualifications, functions or duties of a real estate licensee.

On or about August 23, 2010, in the State of Nevada, County of Douglas, Justice Court of Tahoe Township, Case No. 10-CR-0239, Respondent was convicted of violating Nevada Revised Statute 484.379(1)(a),(1)(b), and/or (1)(c) (driving under the influence), a misdemeanor and crime that bears a substantial relationship under Section 2910 of the Regulations to the qualifications, functions or duties of a real estate licensee.

On or about July 17, 1998, in the State of North Carolina, Wake County, Case No. 97CR044147, Respondent was convicted of violating Government Statute 20-138.1(a) (driving while intoxicated), a misdemeanor and crime that bears a substantial relationship under Section 2910 of the Regulations to the qualifications, functions or duties of a real estate licensee.

MATTERS IN AGGRAVATION

On or about October 5, 2015, Respondent made application to the Bureau for a real estate salesperson license.

In response to Question 32 of said application, to wit: "HAVE YOU EVER BEEN CONVICTED (SEE PARAGRAPH ABOVE) OF ANY VIOLATION OF THE LAW AT THE MISDEMEANOR OR FELONY LEVEL? IF YES, PLEASE COMPLETE ITEM 38 WITH INFORMATION ON EACH CONVICTION...", Respondent concealed and failed to disclose the conviction described above in Paragraph 4.

On or about May 24, 2016, the Bureau issued a Notice of Denial to Respondent on the grounds that he was convicted of a crime that is substantially related to the duties, qualifications, and functions of a real estate licensee. Respondent was given 60 days to request a hearing on the denial.

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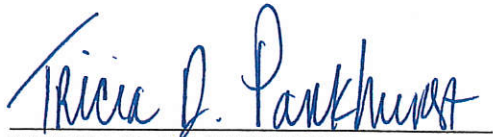
Respondent failed to request a hearing within 60 days of the service of the Notice of Denial and his license application was subsequently denied pursuant to Business and Professions Code ("Code") Section 485.

GROUND FOR DENIAL

The facts alleged in Paragraphs 2 through 4, above, constitute grounds for denial of Respondent's application for a real estate salesperson license under Sections 480(a) (conviction of a crime) and 10177(b) (conviction of crime substantially related to the qualifications, functions, or duties of a real estate licensee) of the Code.

The facts alleged in Paragraph 2, above, constitute grounds for denial of Respondent's application for a real estate salesperson license under Section 10177(j) (fraud or dishonest dealings) of the Code.

WHEREFORE, Complainant prays that the above-entitled matter be set for hearing and, upon proof of the charges contained herein, that the Commissioner refuse to authorize the issuance of, and deny the issuance of a real estate salesperson license to Respondent, and for such other and further relief as may be proper under other provisions of law.


TRICIA D. PARKHURST
Supervising Special Investigator

Dated at Sacramento, California

this 8th day of June, 2018.

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