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**FILED**

MAY 21 2019

DEPARTMENT OF REAL ESTATE

By B. Nicholas

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Application of

MIKE SINGH GILL,

Respondent.

DRE No. H-6704 SAC

OAH No. 2018071156

STIPULATION AND WAIVER

AND DECISION AFTER REJECTION

This matter came on for hearing before Marcie Larson, Administrative Law Judge, Office of Administrative Hearings, State of California, Sacramento, California, on January 22, 2019.

Kyle T. Jones, Counsel, represented the Complainant, Tricia D. Parkhurst, in her official capacity as a Supervising Special Investigator with the Department of Real Estate ("the Department"). Respondent, MIKE SINGH GILL, appeared and was represented by Jonathan Turner.

Evidence was received, the record was closed, and the matter was submitted on January 22, 2019.

On February 15, 2019, the Administrative Law Judge rendered a Proposed Decision which the Real Estate Commissioner (hereinafter "the Commissioner") declined to adopt as his Decision herein. Pursuant to Section 11517 of the Government Code of the State

1 of California, Respondent was served with notice of the Commissioner's determination not to  
2 adopt the Proposed Decision along with a copy of the Proposed Decision. Respondent was  
3 notified that the case would be decided by the Commissioner upon the record, the transcript of  
4 proceedings, and upon written argument offered by Respondent and Complainant.

5 Written argument was not submitted by Respondent. Written argument was not  
6 submitted on behalf of Complainant. The parties wish to settle this matter without further  
7 proceedings.

8 The following shall constitute the Decision of the Commissioner in these  
9 proceedings.

10 The Findings of Fact and Legal Conclusions in the Proposed Decision dated  
11 February 15, 2019, and attached hereto as Exhibit A are hereby adopted in full as part of this  
12 Decision.

13 Pursuant to Section 11517(c)(2)(E) of the California Government Code, the  
14 Order in the Proposed Decision dated February 15, 2019, is hereby amended as follows:

15 ORDER

16 Respondent's application for a real estate salesperson license is denied;  
17 provided, however, a restricted real estate salesperson license shall be issued to  
18 Respondent pursuant to Section 10156.5 of the Business and Professions Code ("the  
19 Code"). The restricted license issued to the Respondent shall be subject to all of the  
20 provisions of Section 10156.7 of the Business and Professions Code and to the following  
21 limitations, conditions and restrictions imposed under authority of Section 10156.6 of  
22 said Code:

23 1. The license shall not confer any property right in the privileges to be  
24 exercised, and the Real Estate Commissioner may by appropriate order suspend the right  
25 to exercise any privileges granted under this restricted license in the event of:  
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1                   (a) The conviction of Respondent (including a plea of nolo contendere)  
2 of a crime which is substantially related to Respondent's fitness or capacity as a real estate  
3 licensee; or

4                   (b) The receipt of evidence that Respondent has violated provisions of  
5 the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate  
6 Commissioner or conditions attaching to this restricted license.

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

11                   3. With the application for license, or with the application for transfer to a  
12 new employing broker, Respondent shall submit a statement signed by the prospective  
13 employing real estate broker on a form RE 552 (Rev. 4/88) approved by the Department  
14 of Real Estate which shall certify as follows:

15                   (a) That the employing broker has read the Decision which is the basis  
16 for the issuance of the restricted license; and

17                   (b) That the employing broker will carefully review all transaction  
18 documents prepared by the restricted licensee and otherwise exercise close supervision  
19 over the licensee's performance of acts for which a license is required.

20                   4. Respondent shall notify the Commissioner in writing within 72 hours of any  
21 arrest by sending a certified letter to the Commissioner at the Department of Real Estate, Post  
22 Office Box 137000, Sacramento, CA 95813-7000. The letter shall set forth the date of  
23 Respondent's arrest, the crime for which Respondent was arrested and the name and address  
24 of the arresting law enforcement agency. Respondent's failure to timely file written notice  
25 shall constitute an independent violation of the terms of the restricted license and shall be  
26 grounds for the suspension or revocation of that license.



1 DATED

KYLE T. JONES  
Real Estate Counsel

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4 I have read the Stipulation and Waiver and Decision After Rejection and its terms  
5 are understood by me and are agreeable and acceptable to me. I understand that I am waiving  
6 rights given to me by the Administrative Procedure Act, and I willingly, intelligently, and  
7 voluntarily waive those rights.

8  
9 DATED

MIKE SINGH GILL  
Respondent

11 *I have reviewed the Stipulation and Waiver as to form and content and have advised my*  
12 *client accordingly.*

13  
14 DATED

JONATHAN TURNER  
Attorney for Respondent

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17  
18 The foregoing Stipulation and Waiver and Decision After Rejection is hereby  
19 adopted as my Decision and Order in this matter and shall become effective at 12 o'clock noon  
20 on JUN 11 2019.

22 IT IS SO ORDERED May 20, 2019.

DANIEL J. SANDRI  
ACTING REAL ESTATE COMMISSIONER

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