

1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 187007
3 Sacramento, CA 95818-7007
4 Telephone: (916) 227-0789

FILED
SEP 28 2007

DEPARTMENT OF REAL ESTATE

By K. Contreras

8 BEFORE THE
9 DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of)
13 MICHAEL COREY CAMPBELL,) NO. H-10084 SF
14 Respondent.) STIPULATION AND AGREEMENT
15)

16 It is hereby stipulated by and between MICHAEL COREY
17 CAMPBELL (Respondent) and the Complainant, acting by and through
18 Mary F. Clarke, Counsel for the Department of Real Estate, as
19 follows for the purpose of settling and disposing the Accusation
20 filed on July 23, 2007, in this matter:

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

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

4 3. On August 17, 2007, Respondent filed his Notice of
5 Defense pursuant to Section 11505 of the Government Code for the
6 purpose of requesting a hearing on the allegations in this
7 matter. Respondent hereby freely and voluntarily withdraws said
8 Notice of Defense. Respondent acknowledges that he understands
9 that by withdrawing said Notice of Defense he will thereby waive
10 his right to require the Commissioner to prove the allegations
11 in the Accusation at a contested hearing held in accordance with
12 the provisions of the APA, and that he will waive other rights
13 afforded to him in connection with the hearing such as the right
14 to present evidence in defense of the allegations pertaining to
15 him in the Accusation and the right to cross-examine witnesses.

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

20 5. It is understood by the parties that the Real
21 Estate Commissioner may adopt the Stipulation and Agreement as
22 his decision in this matter thereby imposing the penalty and
23 sanctions on Respondent's real estate license and license rights
24 as set forth in the below "Order". In the event that the
25 Commissioner in his discretion does not adopt the Stipulation
26 and Agreement, it shall be void and of no effect, and Respondent
27 shall retain the right to a hearing and proceeding on the

1 Accusation under all the provisions of the APA and shall not be
2 bound by any admission or waiver made herein.

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

9 * * *

10 DETERMINATION OF ISSUES

11 By reason of the foregoing stipulations, admissions
12 and waivers, and for the purpose of settlement of the pending
13 Accusation as to Respondent without a hearing, it is stipulated and
14 agreed that the following determination of issues shall be made:

15 The acts and/or omissions of Respondent MICHAEL COREY
16 CAMPBELL as stipulated above constitute grounds for disciplinary
17 action against the real estate salesperson license and license
18 rights of Respondent under the provisions of Sections 490 and
19 10177(b) of the Business and Professions Code.

20 * * *

21 ORDER

22 A. All real estate license and license rights of Respondent
23 MICHAEL COREY CAMPBELL are hereby revoked.

24 B. A restricted real estate salesperson license shall be issued
25 to Respondent pursuant to Section 10156.6 of the Code, if
26 Respondent makes application therefor and pays to the
27 Department of Real Estate the appropriate fee for said

1 license within ninety (90) days from the effective date of
2 the Decision.

3 C. The restricted license issued to Respondent shall be subject
4 to all of the provisions of Section 10156.7 of the Business
5 and Professions Code and to the following limitations,
6 conditions, and restrictions imposed under authority of
7 Section 10156.6 of that Code:

8 (1) The restricted license issued to Respondent may be
9 suspended prior to hearing by Order of the Real Estate
10 Commissioner in the event of Respondent's conviction or
11 plea of nolo contendere to a crime which is substantially
12 related to Respondent's fitness or capacity as a real
13 estate licensee.

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

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

26 (4) Respondent shall submit with any application for license
27 under an employing broker, or any application for transfer

1 to a new employing broker, a statement signed by the
2 prospective employing real estate broker on a form
3 approved by the Department of Real Estate which shall
4 certify:

- 5 (a) That the employing broker has read the Decision
6 of the Commissioner which granted the right to a
7 restricted license; and
8 (b) That the employing broker will exercise close
9 supervision over the performance by the restricted
10 licensee relating to activities for which a real
11 estate license is required.

- 12 (5) Respondent shall, within nine (9) months from the
13 effective date of this Decision, present evidence
14 satisfactory to the Real Estate Commissioner that
15 Respondent has, since the most recent issuance of an
16 original or renewal real estate license, taken and
17 successfully completed the continuing education
18 requirements of Article 2.5 of Chapter 3 of the Real
19 Estate Law for renewal of a real estate license. If
20 Respondent fails to satisfy this condition, the
21 Commissioner may order the suspension of the restricted
22 license until the Respondent presents such evidence. The
23 Commissioner shall afford Respondent the opportunity for
24 hearing pursuant to the Administrative Procedure Act to
25 present such evidence.

26 8-30-07
DATED

Mary F. Clarke
MARY F. CLARKE
Counsel for the Complainant

1 * * *

2 I have read the Stipulation and Agreement and its terms
3 are understood by me and are agreeable and acceptable to me. I
4 understand that I am waiving rights given to me by the California
5 Administrative Procedure Act, and I willingly, intelligently and
6 voluntarily waive those rights, including the right of requiring
7 the Commissioner to prove the allegations as to me in the
8 Accusation at a hearing at which I would have the right to cross-
9 examine witnesses against me and to present evidence in defense
10 and mitigation of the charges.

11
12
13 8/25/07

14 DATED

15 
16 MICHAEL COREY CAMPBELL, Respondent

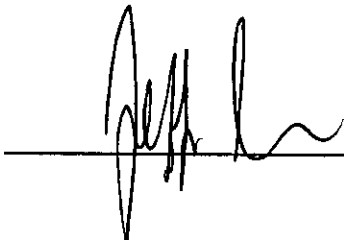
17 * * *

18 The foregoing Stipulation and Agreement is hereby
19 adopted as my Decision and shall become effective at 12 o'clock
20 noon on October 18, 2007.

21 IT IS SO ORDERED

22 q-28

23 JEFF DAVI
24 Real Estate Commissioner

25 
26
27

MARY F. CLARKE, Counsel (SBN 186744)
Department of Real Estate
P. O. Box 187000
Sacramento, CA 95818-7000

Telephone: (916) 227-0789
-or- (916) 227-0780 (Direct)

FILED
AUG -6 2007

DEPARTMENT OF REAL ESTATE

By K. Contreras

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
MICHAEL COREY CAMPBELL,)
Respondent.)

NO. H-10084 SF

FIRST AMENDED
ACCUSATION

The Complainant, CHARLES W. KOENIG, a Deputy Real Estate Commissioner of the State of California, for cause of First Amended Accusation against MICHAEL COREY CAMPBELL (herein "Respondent"), is informed and alleges as follows:

I

The Complainant, CHARLES W. KOENIG, a Deputy Real Estate Commissioner of the State of California, makes this First Amended Accusation in his official capacity.

II

Respondent is presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code) (herein "Code") as a real estate salesperson.

1 III

2 On or about January 25, 2005, in the Superior Court,
3 County of Santa Clara, Respondent was convicted of Driving Under
4 The Influence Of Alcohol in violation of Section 23152(a) of the
5 California Vehicle Code, a misdemeanor and a crime involving
6 moral turpitude which bears a substantial relationship under
7 Section 2910 of Chapter 6, Title 10, California Code of
8 Regulations (herein "the Regulations"), to the qualifications,
9 functions or duties of a real estate licensee.

10 IV

11 The conviction described in Paragraph III, above,
12 individually and/or in conjunction with the convictions described
13 in Paragraphs V, VI, and VII, below, constitutes cause under
14 Sections 490 and 10177(b) of the Code for suspension or revocation
15 of all licenses and license rights of Respondent under the Real
16 Estate Law.

17 PRIOR CRIMINAL CONVICTIONS

18 V

19 On or about April 22, 1999, in the Superior Court,
20 County of Santa Clara, Respondent was convicted of Driving On A
21 Suspended License in violation of Section 14601.1(a) of the
22 California Vehicle Code, a misdemeanor and a crime involving
23 moral turpitude which bears a substantial relationship under
24 Section 2910 of the Regulations, to the qualifications,
25 functions, or duties of a real estate licensee.

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VI

On or about June 14, 2000, in the Superior Court, County of Santa Clara, Respondent was convicted of Driving With A Blood Alcohol Level Of 0.08 Percent Or More in violation of Section 2315(b) of the California Vehicle Code, a misdemeanor and a crime involving moral turpitude which bears a substantial relationship under Section 2910 of the Regulations, to the qualifications, functions, or duties of a real estate licensee.

VII

On or about April 23, 2004, in the Superior Court, County of Santa Clara, Respondent was convicted of Fighting In Public in violation of Section 415(1) of the California Penal Code, and Resisting/Delaying/Obstructing An Officer in violation of Section 148(a)(1) of the California Penal Code, each a misdemeanor and a crime involving moral turpitude which bears a substantial relationship under Section 2910 of the Regulations, to the qualifications, functions, or duties of a real estate licensee.

WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this First Amended Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against all licenses and license rights of Respondent under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code), and for such other and further relief as may be proper under the provisions of law.

Dated at Sacramento, California,
this 2nd day of August, 2007


CHARLES W. KOENIG
Deputy Real Estate Commissioner

1 MARY F. CLARKE, Counsel (SBN 186744)
2 Department of Real Estate
3 P. O. Box 187000
4 Sacramento, CA 95818-7000

5 Telephone: (916) 227-0789
6 -or- (916) 227-0780 (Direct)

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JUL 23 2007

DEPARTMENT OF REAL ESTATE

By K. Contreras

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

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12 MICHAEL COREY CAMPBELL,)
13 Respondent.)

No. H-10084 SF

ACCUSATION

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15 The Complainant, CHARLES W. KOENIG, a Deputy Real
16 Estate Commissioner of the State of California, for cause of
17 Accusation against MICHAEL COREY CAMPBELL (herein "Respondent"),
18 is informed and alleges as follows:

19 I

20 The Complainant, CHARLES W. KOENIG, a Deputy Real
21 Estate Commissioner of the State of California, makes this
22 Accusation in his official capacity.

23 II

24 Respondent is presently licensed and/or has license
25 rights under the Real Estate Law (Part 1 of Division 4 of the
26 Business and Professions Code) (herein "Code") as a real estate
27 salesperson.

1 III

2 On or about January 25, 2005, in the Superior Court,
3 County of Santa Clara, Respondent was convicted of Driving Under
4 The Influence Of Alcohol in violation of Section 23152(a) of the
5 California Vehicle Code, a misdemeanor and a crime involving
6 moral turpitude which bears a substantial relationship under
7 Section 2910 of Chapter 6, Title 10, California Code of
8 Regulations (herein "the Regulations"), to the qualifications,
9 functions or duties of a real estate licensee.

10 IV

11 The conviction described in Paragraph III, above,
12 individually and/or in conjunction with the convictions described
13 in Paragraphs V, VI, and VII, below, constitutes cause under
14 Sections 490 and 10177(b) of the Code for suspension or revocation
15 of all licenses and license rights of Respondent under the Real
16 Estate Law.

17 PRIOR CRIMINAL CONVICTIONS

18 V

19 On or about April 22, 1999, in the Superior Court,
20 County of Santa Clara, Respondent was convicted of Driving On A
21 Suspended License in violation of Section 14601.1(a) of the
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24 Section 2910 of the Regulations, to the qualifications,
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26 \\\

27 \\\

1
2 VI

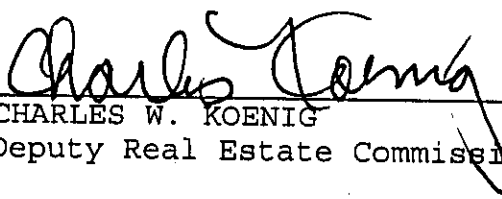
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4 County of Santa Clara, Respondent was convicted of Driving With
5 A Blood Alcohol Level Of 0.08 Percent Or More in violation of
6 Section 2315(b) of the California Vehicle Code, a misdemeanor and
7 a crime involving moral turpitude which bears a substantial
8 relationship under Section 2910 of the Regulations, to the
9 qualifications, functions, or duties of a real estate licensee.

10 VII

11 On or about April 23, 2004, in the Superior Court, County
12 of San Diego, Respondent was convicted of Fighting In Public in
13 violation of Section 415(1) of the California Penal Code, and
14 Resisting/Delaying/Obstructing An Officer in violation of Section
15 148(a)(1) of the California Penal Code, each a misdemeanor and a
16 crime involving moral turpitude which bears a substantial
17 relationship under Section 2910 of the Regulations, to the
18 qualifications, functions, or duties of a real estate licensee.

19 WHEREFORE, Complainant prays that a hearing be
20 conducted on the allegations of this Accusation and that upon
21 proof thereof, a decision be rendered imposing disciplinary
22 action against all licenses and license rights of Respondent
23 under the Real Estate Law (Part 1 of Division 4 of the Business
24 and Professions Code), and for such other and further relief as
25 may be proper under the provisions of law.

26 Dated at Sacramento, California,
27 this 29th day of June, 2007


CHARLES W. KOENIG
Deputy Real Estate Commissioner