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FILED

MAY - 8 2012

DEPARTMENT OF REAL ESTATE

By K. Contreras

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Investigation of	)	
	)	
MICHAEL DOUGLAS YOUNG,	)	NO. 509-1013-006
	)	
	)	STAY OF
<u>Respondent.</u>	)	EXECUTION

On May 1, 2012 an Order adopting a Stipulation and Agreement in this case was signed, to become effective on July 30, 2012.

IT IS HEREBY ORDERED that execution of the Order signed on May 1, 2012 is stayed for ninety (90) days. The Order signed on May 1, 2012 shall become effective at 12 o'clock noon on July 30, 2012.

DATED: May 8, 2012.

Real Estate Commissioner

by Wayne S. Bell, Chief Counsel

FILED

1 Department of Real Estate  
2 P. O. Box 187000  
3 Sacramento, CA 95818-7000  
4 Telephone: (916) 227-0789

MAY 02 2012

DEPARTMENT OF REAL ESTATE

By *D. Jones*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\*\*\*

10 In the Matter of the Investigation of ) No. 509-1013-006  
11 ) STIPULATION AND AGREEMENT  
12 MICHAEL DOUGLAS YOUNG, )  
13 Respondent. )

15 Respondent MICHAEL DOUGLAS YOUNG (Respondent) is.  
16 currently licensed by the Department of Real Estate (Department)  
17 as a real estate broker. His license expires on June 1, 2014.

18 In December 2009, the Department conducted an  
19 investigative audit of Respondent's activities which require a  
20 real estate license, including loan modification and trust fund  
21 handling and record keeping activities identified as audit  
22 numbers OK090046 and OK090070. Partially as a result of the  
23 Department's audit, in September 2010, Respondent was jointly  
24 charged by the Alameda County District Attorney and the  
25 California Attorney General in Alameda County Superior Court  
26 case number 429998 A/B with violations of Civil Code sections  
27 2945.4 and 2945.7 (mortgage foreclosure consultant - prohibited

1 acts). As a part of Respondent's plea agreement with the  
2 District Attorney and the Attorney General, Respondent has  
3 agreed to stipulate to a revocation of his real estate broker  
4 license with the right to apply for a restricted salesperson  
5 license, on terms and conditions as set out below. Respondent  
6 is represented in this matter by his attorney, Mark Cohen.

7 It is hereby stipulated by and between Respondent and  
8 the Department of Real Estate, acting by and through its  
9 counsel, John Van Driel, as follows:

10 1. All issues relating to the Department's  
11 investigation of Respondent's acts and/or omissions, and all  
12 evidence which may be presented by the Department and Respondent  
13 at a formal disciplinary hearing held in accordance with the  
14 provisions of the Administrative Procedure Act (APA) resulting  
15 from the Department's investigation; shall instead and in place  
16 thereof be submitted solely on the basis of the provisions of  
17 this Stipulation and Agreement.

18 2. Respondent hereby waives his right to a formal  
19 hearing under the provisions of the APA on the issues which led  
20 to his criminal prosecution, as mentioned above, and the  
21 Department's revocation of his real estate broker license, as  
22 set out below.

23 3. Respondent acknowledges that he understands that  
24 by waiving his right to notice of the charges brought against  
25 him by the Department, and his right to file a Notice of Defense  
26 requesting a formal hearing under the APA, Respondent will  
27 thereby waive his right to require the Commissioner to prove the

1 allegations which would be alleged in a formal Accusation at a  
 2 contested hearing held in accordance with the provisions of the  
 3 APA and that Respondent will waive other rights afforded to him  
 4 in connection with a formal hearing such as the right to present  
 5 evidence in defense of the allegations in the Accusation and the  
 6 right to cross-examine witnesses.

7 4. It is understood by the parties that, as a part  
 8 of Respondent's plea agreement in the criminal case mentioned  
 9 above between Respondent and the Alameda County District  
 10 Attorney and California Attorney General, the Real Estate  
 11 Commissioner will adopt the Stipulation and Agreement as his or  
 12 her decision in this matter, thereby imposing the penalty and  
 13 sanctions on Respondent's real estate license and license rights  
 14 as set forth in the "Order" below.

15 5. The Order or any subsequent Order of the Real  
 16 Estate Commissioner made pursuant to this Stipulation and  
 17 Agreement shall not constitute an estoppel, merger or bar to any  
 18 further administrative or civil proceedings by the Department of  
 19 Real Estate with respect to any matters which were not  
 20 specifically alleged to be grounds for discipline in the  
 21 Department's December 2009 audit of Respondent's acts requiring a  
 22 real estate license; or as a result of Respondent's plea  
 23 agreement in Alameda County Superior Court case number  
 24 429998 A/B.

25 DETERMINATION OF ISSUES

26 By reason of the foregoing stipulations, admissions

1 and waivers and solely for the purpose of settlement of the  
2 Department's investigation of Respondent's acts requiring a real  
3 estate license without hearing, it is stipulated and agreed that  
4 the following Determination of Issues shall be made:

5 I

6 The acts and omissions of Respondent as determined by  
7 the Department's audit in December, 2009 and the pending Alameda  
8 County Superior Court criminal case mentioned above are grounds  
9 for the suspension or revocation of the licenses and license  
10 rights of Respondent under the provisions of Section 10177(g) of  
11 the California Business & Professions Code (Code).

12 ORDER

13 All licenses and licensing rights of Respondent  
14 MICHAEL DOUGLAS YOUNG under the Real Estate Law are revoked;  
15 provided, however, a restricted real estate salesperson license  
16 shall be issued to said Respondent pursuant to Section 10156.5  
17 of the Code if Respondent makes application therefore and pays  
18 to the Department of Real Estate the appropriate fee for the  
19 restricted license within 90 days from the effective date of  
20 this Decision. The restricted license issued to Respondent shall  
21 be subject to all of the provisions of Section 10156.7 of the  
22 Code and to the following limitations, conditions and  
23 restrictions imposed under authority of Section 10156.6 of that  
24 Code:

25 1. The restricted license issued to Respondent may  
26 be suspended prior to hearing by Order of the Real Estate  
27

1 Commissioner in the event of Respondent's conviction or plea of  
2 nolo contendere to a crime which is substantially related to  
3 Respondent's fitness or capacity as a real estate licensee.

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

10 3. Respondent shall not be eligible to apply for the  
11 issuance of an unrestricted real estate license nor for the  
12 removal of any of the conditions, limitations or restrictions of  
13 a restricted license until three (3) years have elapsed from the  
14 effective date of this Decision.

15 4. Respondent shall, within nine (9) months from the  
16 effective date of the Decision, present evidence satisfactory to  
17 the Real Estate Commissioner that he has, since the most recent  
18 issuance of an original or renewal real estate license, taken  
19 and successfully completed the continuing education requirements  
20 of section 10170.5 of the Code for renewal of a real estate  
21 license. If Respondent fails to satisfy this condition, the  
22 Commissioner may order the suspension of the restricted license  
23 until the Respondent presents such evidence. The Commissioner  
24 shall afford Respondent the opportunity for a hearing pursuant  
25 to the APA to present such evidence.

26 5. Respondent shall submit with any application for  
27 license under an employing broker, or any application for

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

4 (a) That the employing broker has read the Decision of the  
5 Commissioner which granted the right to a restricted license;  
6 and

7 (b) That the employing broker will exercise close  
8 supervision over the performance by the restricted licensee  
9 relating to activities for which a real estate license is  
10 required.

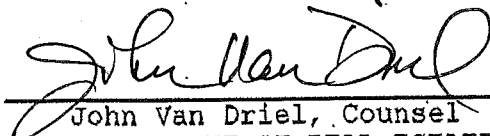
11 6. Respondent shall, within six (6) months from the  
12 issuance of the restricted license, take and pass the  
13 Professional Responsibility Examination administered by the  
14 Department, including the payment of the appropriate  
15 examination fee. If Respondent fails to satisfy this  
16 condition, the Commissioner may order the suspension of the  
17 restricted license until Respondent passes the examination.

18 7. Respondent shall notify the Commissioner in  
19 writing within 72 hours of any arrest by sending a certified  
20 letter to the Commissioner at the Department of Real Estate, Post  
21 Office Box 187000, Sacramento, CA 95818-7000. The letter shall  
22 set forth the date of Respondent's arrest, the crime for which  
23 Respondent was arrested and the name and address of the arresting  
24 law enforcement agency. Respondent's failure to timely file  
25 written notice shall constitute an independent violation of the  
26 terms of the restricted license and shall be grounds for the  
27

1 suspension or revocation of that license.

2  
3 4-24-12

4 DATED

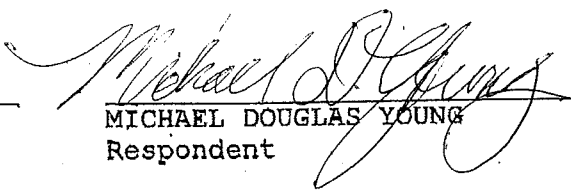
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7 John Van Driel, Counsel  
8 DEPARTMENT OF REAL ESTATE

9 \* \* \*

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

22  
23 4/16/2012

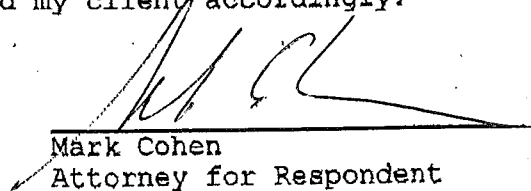
24 DATED

25   
26 MICHAEL DOUGLAS YOUNG  
27 Respondent

28 I have reviewed the Stipulation and Agreement as to  
29 form and content and have advised my client accordingly.

30 4-16-2012

31 DATED

32   
33 Mark Cohen  
34 Attorney for Respondent



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The foregoing Stipulation and Agreement for Settlement is hereby adopted by the Real Estate Commissioner as his Decision and Order and shall become effective at 12 o'clock noon on the 90th day after signing of this Order by the Commissioner.

IT IS SO ORDERED May 1, 2012

Real Estate Commissioner

*William E. Moran*