

EVANS, MICHAEL SCOTT
ID# 01 41 35 27

H-31813 LA

FLAGGED---4-12-05

RE SALES DENIED---9-26-05

(Right to Restricted license on T/C)

RES RE SALES LIC ISSD_--10-24-05 EXPS 10-23-09

RES RE SALES LIC ISSD---10/24/09 EXPS 10/23/13

1 Department of Real Estate
2 320 W. 4th Street, Suite 350
3 Los Angeles, CA 90013-1105
4
5 Telephone: (213) 576-6982
6

FILED
OCT - 4 2005
DEPARTMENT OF REAL ESTATE
By Laura B. [Signature]

7 **DEPARTMENT OF REAL ESTATE**
8 **STATE OF CALIFORNIA**

9
10 *In the Matter of the Application of*)
11 MICHAEL SCOTT EVANS,) No. H- 31813 LA
12) L-2005050070
13) **STIPULATION AND**
14 Respondent) **WAIVER**
)

15 It is hereby stipulated by and between MICHAEL SCOTT EVANS (hereinafter "Respondent") and
16 Respondent's attorney, Bradley William Brunon, Esq., and the Complainant, acting by and through Kelvin
17 K. Lee, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of
18 the Statement of Issues filed on April 12, 2005 in this matter:

19 Respondent acknowledges that Respondent has received and read the Statement of Issues and the
20 Statement to Respondent filed by the Department of Real Estate in connection with Respondent's
21 application for a real estate salesperson license. Respondent understands that the Real Estate Commissioner
22 may hold a hearing on this Statement of Issues for the purpose of requiring further proof of Respondent's
23 honesty and truthfulness and to prove other allegations therein, or that he may in his discretion waive the
24 hearing and grant Respondent a restricted real estate salesperson license based upon this Stipulation and
25 Waiver. Respondent also understands that by filing the Statement of Issues in this matter the Real Estate
26 Commissioner is shifting the burden to Respondent to make a satisfactory showing that Respondent meets
27 all the requirements for issuance of a real estate salesperson license. Respondent further understands that by

1 entering into this stipulation and waiver, Respondent will be stipulating that the Real Estate Commissioner
2 has found that Respondent has failed to make such a showing, thereby justifying the denial of the issuance
3 to Respondent of an unrestricted real estate salesperson license.

4 Respondent hereby admits that the allegations of the Statement of Issues filed against Respondent are
5 true and correct and requests that the Real Estate Commissioner in his discretion issue a restricted real
6 estate salesperson license to Respondent under the authority of Section 10156.5 of the Business and
7 Professions Code.

8 Respondent is aware that by signing this Stipulation and Waiver, Respondent is waiving Respondent's
9 right to a hearing and the opportunity to present evidence at the hearing to establish Respondent's
10 rehabilitation in order to obtain an unrestricted real estate salesperson license if this Stipulation and Waiver
11 is accepted by the Real Estate Commissioner. However, Respondent is not waiving Respondent's right to a
12 hearing and to further proceedings to obtain a restricted or unrestricted license if this Stipulation and
13 Waiver is not accepted by the Commissioner.

14 Respondent further understands that the following conditions, limitations, and restrictions will attach
15 to a restricted license issued by the Department of Real Estate pursuant hereto:

- 16 1. The license shall not confer any property right in the privileges to be exercised including the
17 right of renewal, and the Real Estate Commissioner may by appropriate order suspend the right
18 to exercise any privileges granted under this restricted license in the event of:
 - 19 a. The conviction of Respondent (including a plea of nolo contendere) to a crime which bears
20 a substantial relationship to Respondent's fitness or capacity as a real estate licensee; or
 - 21 b. The receipt of evidence that Respondent has violated provisions of the California Real
22 Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or
23 conditions attaching to this restricted license.
- 24 2. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license
25 nor the removal of any of the conditions, limitations, or restrictions attaching to the restricted
26 license until two years have elapsed from the date of issuance of the restricted license to
27 Respondent.

1 3. With the application for license, or with the application for transfer to a new employing broker,
2 Respondent shall submit a statement signed by the prospective employing broker on a form
3 approved by the Department of Real Estate wherein the employing broker shall certify as
4 follows:

- 5 a. That broker has read the Statement of Issues which is the basis for the issuance of the
6 restricted license; and
- 7 b. That broker will carefully review all transaction documents prepared by the restricted
8 licensee and otherwise exercise close supervision over the licensee's performance of acts
9 for which a license is required.

10 Sept. 15, 2005
11 Dated

10 Kelvin K. Lee
11 KELVIN K. LEE, Counsel, Department of Real Estate

12 * * *

13

14 I have read the Stipulation and Waiver, have discussed it with my counsel, and its terms are
15 understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me
16 by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509,
17 and 11513 of the Government Code), and I willingly, intelligently, and voluntarily waive those rights,
18 including the right of a hearing on the Statement of Issues at which I would have the right to cross-examine
19 witnesses against me and to present evidence in defense and mitigation of the charges.

20 Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and
21 Waiver by faxing a copy of the signature page, as actually signed by respondent, to the Department at fax
22 number (213) 576-6917. Respondent agrees, acknowledges and understands that by electronically sending
23 to the Department a fax copy of his actual signature as it appears on the Stipulation and Waiver, that receipt
24 of the faxed copy by the Department shall be as binding on Respondent as if the Department had received
25 the original signed Stipulation and Waiver.

26 September, 2005
27 Sept 15, 2005 Dated

26 Michael Scott Evans
27 MICHAEL SCOTT EVANS, Respondent

1 I have reviewed the Stipulation and Waiver as to form and content and have advised my client
2 accordingly.

3 September 26, 2005
4 Dated

Bradley William Brunon
BRADLEY WILLIAM BRUNON, Attorney for Respondent

5 * * *

6 I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by
7 Respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and
8 truthfulness of Respondent need not be called and that it will not be inimical to the public interest to issue a
9 restricted real estate salesperson license to Respondent.

10 Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to
11 Respondent, if Respondent has otherwise fulfilled all of the statutory requirements for licensure. The
12 restricted license shall be limited, conditioned, and restricted as specified in the foregoing Stipulation and
13 Waiver.

14 This Order is effective immediately.

15 IT IS SO ORDERED 9-26-05

16 Jeff Davi
17 Real Estate Commissioner

1 KELVIN K. LEE, Real Estate Counsel (SBN 152867)
2 Department of Real Estate
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4 Los Angeles, California 90013-1105

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FILED
APR 12 2005
DEPARTMENT OF REAL ESTATE

By 

7
8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11
12 In the Matter of the Application of) NO. H-31813 LA
13 MICHAEL SCOTT EVANS,) STATEMENT OF ISSUES
14 Respondent.)
15)

16 The Complainant, Joseph Aiu, a Deputy Real Estate
17 Commissioner of the State of California, for cause of Statement
18 of Issues against MICHAEL SCOTT EVANS ("Respondent"), is informed
19 and alleges as follows:

20 1.

21 The Complainant, Joseph Aiu, a Deputy Real Estate
22 Commissioner of the State of California, makes this Statement
23 of Issues against Respondent in his official capacity.

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2.

1 Respondent made application to the Department of Real
2 Estate of the State of California for a real estate salesperson
3 license on or about December 22, 2003.
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5 3.

6 (CRIMINAL CONVICTIONS)

7 On or about July 7, 2003, in the Superior Court
8 of California, Riverside County in Case No. SWM017054,
9 Respondent MICHAEL SCOTT EVANS, was convicted of one (1) count
10 of violating California Penal Code 415, subdivision (2),
11 Disturbing the Peace. This is a crime involving moral turpitude
12 which is substantially related under Title 10, Chapter 6,
13 Section 2910, California Code of Regulations, to the
14 qualifications, functions or duties of a real estate licensee.
15

16 4.

17 On or about March 5, 1999, in the United States
18 District Court, Eastern District of Michigan, in Case No. CR
19 96-80443-08, Respondent MICHAEL SCOTT EVANS, was convicted of
20 one (1) count of violating United States Code Sections 841,
21 subdivision (a)(1) and 846, Conspiracy to Distribute Marijuana.
22 This is a crime involving moral turpitude which is substantially
23 related under Title 10, Chapter 6, Section 2910, California Code
24 of Regulations, to the qualifications, functions or duties of a
25 real estate licensee.

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2 On or about July 19, 1996, in the Superior Court of
3 the State of California, County of Orange, in case no 94SF0751,
4 MICHAEL SCOTT EVANS, was convicted of one (1) count of violating
5 California Health and Safety Code Sections 11360, subdivision
6 (a), Conspiracy to Distribute Marijuana. This is a crime
7 involving moral turpitude which is substantially related under
8 Title 10, Chapter 6, Section 2910, California Code of
9 Regulations, to the qualifications, functions or duties of a
10 real estate licensee.

11 6.

12 The crimes of which Respondent were convicted, as
13 alleged herein above in Paragraphs 3, 4, and 5, constitute cause
14 for denial of Respondent's application for a real estate license
15 under Code Sections 475(a)(2), 480(a)(1) and/or 10177(b).

16 7.

17 (FAILURE TO REVEAL CONVICTION)

18 In response to Question 25 in his license application,
19 to wit: "HAVE YOU EVER BEEN CONVICTED OF ANY VIOLATION OF LAW?
20 CONVICTIONS EXPUNGED UNDER PENAL CODE SECTION 1203.4 MUST BE
21 DISCLOSED. HOWEVER YOU MAY OMIT MINOR TRAFFIC CITATIONS WHICH
22 DO NOT CONSTITUTE A MISDEMEANOR OR FELONY OFFENSE." Respondent
23 answered "Yes", but still failed to reveal the misdemeanor
24 conviction described above in paragraph 3.

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2 Respondent's failure to reveal the misdemeanor
3 conviction set forth in paragraph 3 above in his license
4 application, constitutes the attempt to procure a real estate
5 license by fraud, misrepresentation, or deceit, or by making a
6 material misstatement of fact, or knowingly making a false
7 statement of material fact required to be revealed in said
8 application, which is grounds for denial of the issuance of a
9 license under Business and Professions Code Sections 475(a)(1),
10 480(c), and/or 10177(a).

11 The Statement of Issues is brought under the
12 provisions of Section 10100, Division 4 of the Business and
13 Profession Code of the State of California and Sections 11500
14 through 11528 of the Government Code.

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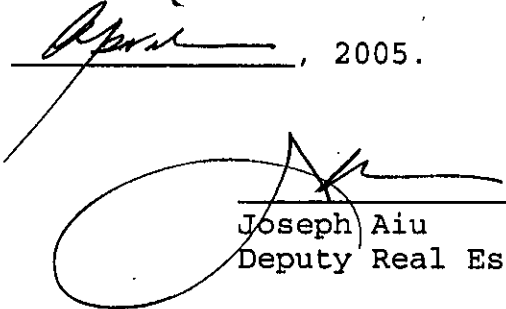
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1 WHEREFORE, Complainant prays that the above entitled
2 matter be set for hearing and, upon proof of the charges
3 contained herein, that the Commissioner refuse to authorize the
4 issuance of, and deny the issuance of, a real estate salesperson
5 license to Respondent, MICHAEL SCOTT EVANS, and for such other
6 and further relief as may be proper under other provisions of
7 law.

8 Dated at Los Angeles, California

9 this 7 day of April, 2005.

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13 Joseph Aiu
14 Deputy Real Estate Commissioner
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26
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cc: MICHAEL SCOTT EVANS

Joseph Aiu

Sacto.

CW