

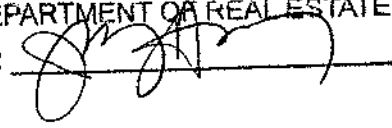
1 Department of Real Estate
2 320 West 4th Street, Suite 350
3 Los Angeles, CA 90013-1105

4 Telephone: (213) 576-6982

FILED

SEP 11 2012

DEPARTMENT OF REAL ESTATE

BY: 

9 BEFORE THE DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 * * *

12
13 In the Matter of the Accusation of NO. H-37917 LA
14 JASON LAWRENCE MITCHELL,)
15) L-2012040008
16) STIPULATION AND AGREEMENT
Respondent.)
_____)

17
18 It is hereby stipulated by and between JASON LAWRENCE
19 MITCHELL (sometimes referred to as "Respondent," and the
20 Complainant, acting by and through Cheryl D. Keily, Counsel for
21 the Department of Real Estate, as follows for the purpose of
22 settling and disposing of the Accusation filed on February 27,
23 2012, in this matter.

24
25 1. All issues which were to be contested and all
26 evidence which was to be presented by Complainant and Respondent
27 at a formal hearing on the Accusation, which hearing was to be
held in accordance with the provisions of the Administrative

1 Procedure Act (APA), shall instead and in place thereof be
2 submitted solely on the basis of the provisions of this
3 Stipulation and Agreement.

4
5 2. Respondent has received, read and understands the
6 Statement to Respondent, the Discovery Provisions of the APA and
7 the Accusation filed by the Department of Real Estate
8 ("Department") in this proceeding.

9
10 3. On March 2, 2012, Respondent filed a Notice of
11 Defense, pursuant to Section 11506 of the Government Code for
12 the purpose of requesting a hearing on the allegations in the
13 Accusation. Respondent hereby freely and voluntarily withdraws
14 said Notice of Defense. Respondent acknowledges that he
15 understands that by withdrawing said Notice of Defense he will
16 thereby waive his right to require the Commissioner to prove the
17 allegations in the Accusation at a contested hearing held in
18 accordance with the provisions of the APA and that he will waive
19 other rights afforded to him in connection with the hearing,
20 such as the right to present evidence in defense of the
21 allegations in the Accusation and the right to cross-examine
22 witnesses.
23

24 4. It is understood by the parties that the Real
25 Estate Commissioner may adopt the Stipulation and Agreement as
26 his decision in this matter, thereby imposing the penalty and
27 sanctions on Respondent's real estate licenses and license

1 rights as set forth in the below "Order". In the event that
2 the Commissioner in his discretion does not adopt the
3 Stipulation and Agreement, it shall be void and of no effect,
4 and Respondent shall retain the right to a hearing and
5 proceeding on the Accusation under all the provisions of the
6 APA and shall not be bound by any admission or waiver made
7 herein.
8

9 5. This Stipulation is based on the factual
10 allegations contained in the Accusation. In the interest of
11 expedience and economy, Respondent chooses not to contest these
12 allegations, but to remain silent and understand that, as a
13 result thereof, these factual allegations, without being
14 admitted or denied, will serve as a prima facie basis for the
15 disciplinary action stipulated to herein. The Real Estate
16 Commissioner shall not be required to provide further evidence
17 to prove said factual allegations.
18

19 6. This Stipulation and Respondents' decision not to
20 contest the Accusation are made for the purpose of reaching an
21 agreed disposition of this proceeding, and are expressly
22 limited to this proceeding and any other proceeding or case in
23 which the Department of Real Estate, or another licensing
24 agency of this state, another state or the federal government
25 is involved and otherwise shall not be admissible in any other
26 criminal or civil proceedings.
27

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

9 DETERMINATION OF ISSUES

10 By reason of the foregoing stipulations, admissions
11 and waivers and solely for the purpose of settlement of the
12 pending Accusation without a hearing, it is stipulated and
13 agreed that the following determination of issues shall be
14 made:
15

16 The Conduct of Respondent, as described in the
17 Accusation, is grounds for the suspension or revocation of all
18 of the real estate licenses and license rights of Respondent
19 under the provisions of Sections 490 and 10176(b) of the
20 Business and Professions Code.
21

22 ORDER

23 WHEREFORE, THE FOLLOWING ORDER is hereby made:

24 ALL licenses and licensing rights of Respondent JASON
25 LAWRENCE MITCHELL under the Real Estate Law are revoked;
26 provided, however, a restricted real estate salesperson license
27 shall be issued to Respondent pursuant to Section 10156.5 of the

1 if Respondent makes application therefor and pays to the
2 Department the appropriate fee for the restricted license within
3 90 days from the effective date of this Decision.

4 The Restricted license issued to Respondent shall be
5 subject to all of the provisions of Section 10156.7 of the Code
6 and to the following conditions, limitations and restrictions
7 imposed under the authority of Section 10156.6 of the Code:

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

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

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

1 4. Respondent shall submit with any application for
2 license under an employing broker, or any application for
3 transfer to a new employing broker, a statement signed by the
4 prospective employing real estate broker, on a form approved by
5 the Department, which shall certify:
6

7 (a) That the employing broker has read the Decision
8 of the Commissioner which granted the right to a restricted
9 license; and

10 (b) That the employing broker will exercise close
11 supervision over the performance by the restricted licensee
12 relating to activities for which a real estate salesperson
13 license is required.
14

15 5. Respondent shall, within nine (9) months from the
16 effective date of this Decision, present evidence satisfactory
17 to the Commissioner that Respondent has, since the most recent
18 issuance of an original or renewal real estate license, taken
19 and successfully completed the continuing education
20 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
21 for renewal of a real estate license. If Respondent fails to
22 satisfy this condition, the Commissioner may order the
23 suspension of the restricted license until Respondent presents
24 such evidence. The Commissioner shall afford Respondent the
25 opportunity for a hearing pursuant to the APA to present such
26 evidence.
27

1
2 DATED:

July 15, 2012

Cheryl D. Keily
CHERYL D. KEILY, Counsel
DEPARTMENT OF REAL ESTATE

3
4 * * *

5
6 I have read the Stipulation and Agreement, and its
7 terms are understood by me and are agreeable and acceptable to
8 me. I understand that I am waiving rights given to me by the
9 California Administrative Procedure Act (including but not
10 limited to Sections 11506, 11508, 11509 and 11513 of the
11 Government Code), and I willingly, intelligently and
12 voluntarily waive those rights, including the right of
13 requiring the Commissioner to prove the allegations in the
14 Accusation at a hearing at which I would have the right to
15 cross-examine witnesses against me and to present evidence in
16 defense and mitigation of the charges.
17

18 Respondent can signify acceptance and approval of the
19 terms and conditions of this Stipulation and Agreement by
20 faxing a copy of its signature page, as actually signed by
21 Respondent, to the Department at the following telephone/fax
22 number (213) 576-6917. Respondent agrees, acknowledges, and
23 understands that by electronically sending to the Department a
24 fax copy of his actual signature as it appears on the
25 Stipulation and Agreement, that receipt of the faxed copy by
26 the Department shall be as binding on Respondent as if the
27

1 Department had received the original signed Stipulation and
2 Agreement.

3
4
5 DATED: 7/16/12

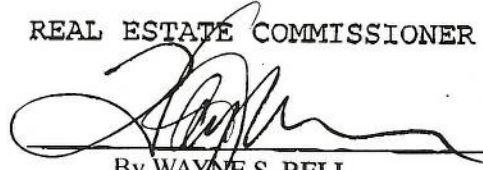

6 JASON LAWRENCE MITCHELL
Respondent

7 * * *

8
9 The foregoing Stipulation and Agreement is hereby
10 adopted as my Decision in this matter and shall become
11 effective at 12 o'clock noon on ^{OCT 01 2012} _____, 2012.

12 IT IS SO ORDERED 8/31, 2012.

13
14 REAL ESTATE COMMISSIONER

15
16 By: 

17 By WAYNE S. BELL
Chief Counsel