

FILED

OCT 25 2017

BUREAU OF REAL ESTATE

By John Aguil

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of)	CalBRE No. H-40756 LA
)	
MICHAEL DORSAY,)	
)	
Respondent.)	

DECISION

This Decision is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on October 6, 2017, and the Findings of Fact set forth herein, which are based on one or more of the following: (1) Respondent's express admissions; (2) affidavits; and (3) other evidence.

This Decision revokes a real estate license and/or license rights on grounds of a criminal conviction and Respondent's failure to timely reveal the conviction in his license renewal application.

Pursuant to Government Code section 11521, the Bureau of Real Estate of the State of California (hereinafter the "Bureau") may order reconsideration of this Decision on petition of any party. The Bureau's power to order reconsideration of this Decision shall expire 30 days after mailing of this Decision, or on the effective date of this Decision, whichever occurs first. The right to reinstatement of a revoked real estate license or to the reduction of a penalty is controlled by Section 11522 of the Government Code. A copy of Sections 11521 and 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of respondent.

FINDINGS OF FACT

1.

On August 18, 2017, Veronica Kilpatrick made the Accusation in her official capacity as a Supervising Special Investigator of the Bureau. On August 28, 2017, the Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified mail, return receipt requested, and by regular mail to Respondent's last known mailing address on file with the Bureau.

2.

On October 6, 2017, no Notice of Defense having been received or filed herein within the time prescribed by Section 11506 of the Government Code, Respondent's default was entered herein.

3.

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

4.

To date, the Bureau of Real Estate has incurred costs totaling \$354.90.

5.

Attached as Exhibit "A" is a true and correct copy of the Accusation filed on August 28, 2017, which is incorporated herein as part of this Decision.

DETERMINATION OF ISSUES

1.

The criminal convictions, as described in Paragraph 5 of the Findings of Fact, constitute cause under Sections 490, and 10177(b) of the Code for the suspension or revocation of the license and license rights of Respondent under the Real Estate Law.

2.

Respondent's failure to timely reveal the conviction in his license renewal application constitutes cause under Section 10177(a) of the Code for the suspension or revocation of the license and license rights of Respondent under the Real Estate Law.

3.

The standard of proof applied was clear and convincing proof to a reasonable certainty.

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ORDER

All licenses and licensing rights of Respondent MICHAEL DORSAY under the provisions of Part I of Division 4 of the Business and Professions Code are revoked.

This Decision shall become effective at 12 o'clock noon on

NOV 14 2017

DATED: 10/16/17

WAYNE S. BELL
REAL ESTATE COMMISSIONER

By: 
DANIEL J. SANDRI
Chief Deputy Commissioner

1 Bureau of Real Estate
2 320 West Fourth St, Ste 350
3 Los Angeles, CA, 90013

4 (213) 620-6430

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OCT 06 2017

BUREAU OF REAL ESTATE

By R. Posack

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7 **BEFORE THE BUREAU OF REAL ESTATE**

8 **STATE OF CALIFORNIA**

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11 In the Matter of the Accusation of) CalBRE NO. *H-40756 LA*
12 MICHAEL DORSAY,) DEFAULT ORDER
13 Respondent.)
14 _____)

15 Respondent MICHAEL DORSAY, having failed to file a Notice of Defense
16 within the time required by Section 11506 of the Government Code, is now in default. It is,
17 therefore, ordered that a default be entered on the record in this matter.

18 IT IS SO ORDERED October 5, 2017

19 WAYNE S. BELL
20 REAL ESTATE COMMISSIONER

21
22 By: Dolores Ramos
23 DOLORES RAMOS
24 Regional Manager
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1 STEVE CHU, Counsel (SBN 238155)
2 Bureau of Real Estate
3 320 West 4th Street, Suite 350
4 Los Angeles, California 90013-1105

5 Telephone: (213) 620-6430
6 Fax: (213) 576-6917

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AUG 28 2017

BUREAU OF REAL ESTATE

By John Chu

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9 **BEFORE THE BUREAU OF REAL ESTATE**

10 **STATE OF CALIFORNIA**

11 * * *

12 In the Matter of the Accusation of) No. H-40756 LA
13 MICHAEL DORSAY,) ACCUSATION
14 Respondent.)
15)

16 The Complainant, Veronica Kilpatrick, a Supervising Special Investigator of the
17 State of California, for cause of Accusation against MICHAEL DORSAY ("Respondent"), is
18 informed and alleges as follows:

19 1.

20 The Complainant, Veronica Kilpatrick, acting in her official capacity as a
21 Supervising Special Investigator of the State of California, makes this Accusation against
22 MICHAEL DORSAY.

23 2.

24 Respondent presently has license rights under the Real Estate Law, Part 1 of
25 Division 4 of the California Business and Professions Code ("Code"), as a real estate
26 salesperson.

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Accusation of Michael Dorsay

FIRST CAUSE OF ACTION
(CRIMINAL CONVICTION)

3.

On or about October 19, 2016, Respondent pled guilty and was convicted in the Superior Court of California, County of Riverside, Case No. RIM1612615, for violation of California Penal Code Section 243(e)(1) (Infliction Of Injury On Present Or Former Spouse, Present Or Former Cohabitant, Present Or Former Fiance/Fiancee, Present Or Former Dating Partner, Or Parent Of Child), a misdemeanor. Respondent was placed on 36 months of summary probation, and ordered to be committed to the custody of the Riverside County Sheriff's Department for 30 days and pay restitution, fines and fees. Additionally, Respondent was ordered to complete a 52-week Domestic Violence Program and complete 20 hours of community service.

4.

The conviction described in Paragraph 3 bears a substantial relationship under Section 2910, Title 10, Chapter 6, California Code of Regulations to the qualifications, functions or duties of a real estate licensee.

5.

The crime of which Respondent was convicted, as described in Paragraph 3 above, constitutes cause under Sections 490 and 10177(b)(1) of the Code for the suspension or revocation of all the licenses and license rights of Respondent under the Real Estate Law.

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SECOND CAUSE OF ACTION

(FAILURE TO REVEAL CONVICTION ON LICENSE RENEWAL APPLICATION)

6.

On or about March 19, 2017, Respondent certified and submitted his Salesperson Renewal Application. In response to Question 13, to wit, "WITHIN THE SIX-YEAR PERIOD PRIOR TO FILING THIS APPLICATION, HAVE YOU EVER BEEN CONVICTED (SEE PARAGRAPH ON PAGE 1) OF ANY VIOLATION OF THE LAW AT THE MISDEMEANOR OR FELONY LEVEL? IF YES, COMPLETE ITEM 19 WITH INFORMATION ON EACH CONVICTION", Respondent answered "NO," and failed to disclose the conviction described in Paragraph 3 above.

7.

Respondent's failure to reveal this conviction, as set forth in Paragraph 3 above, in his license renewal application constitutes procurement of a real estate license renewal by fraud, misrepresentation, or deceit, or by making a false statement of material fact required to be revealed in said application, and constitutes cause under Section 10177(a) of the Code for the suspension or revocation of all the licenses and license rights of Respondent under the Real Estate Law.

8.

Code Section 10106 provides, in pertinent part, that in any order issued in resolution of a disciplinary proceeding before the Bureau of Real Estate, the Commissioner may request the administrative law judge to direct a licensee found to have committed a violation of this part to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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1 WHEREFORE, Complainant prays that a hearing be conducted on the
2 allegations of this Accusation and that upon proof thereof, a decision be rendered imposing
3 disciplinary action against all the licenses and license rights of Respondent MICHAEL
4 DORSAY under the Real Estate Law, for the cost of investigation and enforcement as
5 permitted by law, and for such other and further relief as may be proper under other applicable
6 provisions of law.

7
8 Dated at San Diego, California

9 this 18 day of August, 2017

10
11 V. Kilpatrick

12 Veronica Kilpatrick
13 Supervising Special Investigator

14 cc: MICHAEL DORSAY
15 Realty One Group, Inc. DBA Realty One Group
16 Veronica Kilpatrick
17 Sacto.

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Accusation of Michael Dorsay