

**FILED**

**JUL 19 2019**

**DEPT. OF REAL ESTATE**

By *John Aguirre*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of:	)	DRE No. H-41330 LA
	)	
MICHAEL RICHARD COLLINS,	)	
	)	
Respondent(s).	)	

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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 June 20, 2019, and the Findings of Fact set forth herein, which are based on one or more of the following: (1) The express admissions of Respondent, MICHAEL RICHARD COLLINS ("Respondent"); (2) affidavits; and (3) other evidence.

This Decision revokes one or more real estate licenses and/or license rights on grounds of conviction of crimes, that are substantially related to the qualifications, functions or duties of a real estate licensee and Respondent's failure to timely report the convictions. In aggravation, the Respiratory Care Board of California found that Respondent was convicted of a crime substantiality related to the qualifications, functions or duties of a respiratory care practitioner.

Pursuant to Government Code Section 11521, the California Department of Real Estate ("the Department") may order reconsideration of this Decision on petition of any party. The party seeking reconsideration shall set forth new facts, circumstances, and evidence, or errors in law or analysis, that show(s) grounds and good cause for the Commissioner to reconsider the Decision. If new evidence is presented, the party shall specifically identify the new evidence and explain why it was not previously presented. The Department'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 Government Code Sections 11521 and 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of respondent.

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## FINDINGS OF FACT

1.

On April 22, 2019, Maria Suarez made the Accusation in her official capacity as a Supervising Special Investigator of the Department. The Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified mail, return receipt requested, to Respondent's last known mailing address on file with the Department on April 23, 2019.

2.

On June 20, 2019, 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 ("the Code") as a real estate broker. Respondent's real estate broker license is scheduled to expire on May 25, 2020, unless renewed.

4.

Certified Statement of Investigation Costs totaling \$3,403.00.

5.

Attached as Exhibit "A" is a true and correct copy of the Accusation filed on April 23, 2019, which is incorporated herein as part of this Decision.

## DETERMINATION OF ISSUES

1.

The allegations contained in the Accusation, constitute cause under Sections 490 and 10177(b) (conviction of a crime substantially related to the qualifications, functions or duties of a real estate licensee) of the Code for the suspension or revocation of all licenses and license rights of Respondent under the Real Estate Law.

2.

Respondent's failure to timely report the convictions constitutes cause under Section 10186.2 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 evidence to a reasonable certainty.

ORDER

All licenses and licensing rights of Respondent MICHAEL RICHARD COLLINS  
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 AUG 09 2019.

DATED: July 15, 2019.

DANIEL J. SANDRI  
ACTING REAL ESTATE COMMISSIONER



1 Department of Real Estate  
2 320 West Fourth St, Ste 350  
3 Los Angeles, CA, 90013  
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6  
7

**FILED**

**JUN 20 2019**

**DEPT. OF REAL ESTATE**  
By *R. Posada*

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

10 \* \* \*

11 In the Matter of the Accusation of: ) DRE NO. H-41330 LA  
12 MICHAEL RICHARD COLLINS, ) DEFAULT ORDER  
13 Respondent. )  
14 )

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

18 **IT IS SO ORDERED JUNE 20, 2019.**

19 DANIEL J. SANDRI  
20 ACTING REAL ESTATE COMMISSIONER

21  
22 By:   
23 JEFFREY OBOYSKI  
24 Assistant Commissioner, Enforcement  
25  
26  
27

1 ANDREA BENTLER, Counsel (SBN 319369)  
2 Department of Real Estate  
3 320 West 4th Street, Suite 350  
4 Los Angeles, California 90013-1105  
5 Telephone: (213) 576-6982  
6 Direct: (213) 576-6905  
7 Fax: (213) 576-6917  
8 *Attorney for Complainant*

**FILED**

**APR 23 2019**

**DEPT. OF REAL ESTATE**

By *John Aguirre*

9 BEFORE THE DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 \* \* \*

12 In the Matter of the Accusation of ) No. H-41330 LA  
13 )  
14 MICHAEL RICHARD COLLINS, ) ACCUSATION  
15 ) Respondent. )

16 The Complainant, Maria Suarez, a Supervising Special Investigator of the State  
17 of California, for cause of Accusation against MICHAEL RICHARD COLLINS, also known as  
18 Michael R. Collins, Michael Collins, ("Respondent") alleges as follows:

19 1.

20 The Complainant, Maria Suarez, a Supervising Special Investigator of the State  
21 of California, makes this Accusation in her official capacity.

22 2.

23 Respondent presently has license rights under the Real Estate Law, Part 1 of  
24 Division 4 of the California Business and Professions Code ("Code"), as a real estate broker  
25 (License ID 01057816). Respondent's license has been suspended pursuant to Family Code  
26 section 17520 (support obligation). Respondent's license is scheduled to expire on May 25,  
27 2020, unless renewed.

ACCUSATION

1 FIRST CAUSE OF ACCUSATION

2 (CRIMINAL CONVICTIONS)

3 3.

4 On or about May 18, 2016, in the Superior Court of California, County of  
5 Orange, Case No. 15HF0696, Respondent was convicted on pleas of guilty for violation of  
6 Penal Code sections 459-460(b) (second degree burglary), a misdemeanor, and violation of  
7 Health and Safety Code section 11377(a) (possession of a controlled substance), a  
8 misdemeanor. Respondent was placed on informal probation for 3 years on certain terms and  
9 conditions, including serving 8 days in Orange County Jail, with credit for time served of 4  
10 actual days and 4 conduct days, totaling 8 days pursuant to Day-for-day, payment of restitution  
11 as determined and directed by Victim Witness, and payment of fees.

12 4.

13 On or about May 18, 2016, in the Superior Court of California, County of  
14 Orange, Case No. 15WM14040, Respondent was convicted on pleas of guilty for violation of  
15 Penal Code section 484(a)-488 (petty theft), and violation of Health and Safety Code section  
16 11377(a) (possession of a controlled substance), both misdemeanors. Respondent was placed  
17 on informal probation for 3 years on certain terms and conditions, including completing a 6  
18 month Outpatient Program, payment of restitution as determined and directed by Victim  
19 Witness, and payment of fees and fines.

20 5.

21 On or about May 18, 2016, in the Superior Court of California, County of  
22 Orange, Case No. 15WM15115, Respondent was convicted on pleas of guilty for violation of  
23 Vehicle Code section 23152(e) (driving under the influence of drugs), and violation of Vehicle  
24 Code section 14601.1(a) (driving on a suspended/revoked license), both misdemeanors.  
25 Respondent was placed on informal probation for 3 years on certain terms and conditions,  
26 including completion of a 3 month Level 1 First Offender Alcohol Program, and payment of  
27 fines, fees, and a penalty.

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2 6.

3 On or about May 18, 2016, in the Superior Court of California, County of  
4 Orange, Case No. 16HM05159, Respondent was convicted on pleas of guilty for violation of  
5 Health and Safety Code section 11364(a) (possession of controlled substance paraphernalia),  
6 violation of Health and Safety Code section 11377(a) (possession of a controlled substance),  
7 and violation of Vehicle Code section 14601.1(a) (driving on a suspended/revoked license), all  
8 misdemeanors. Respondent was ordered to pay fines, fees, and penalty assessments.

9 7.

10 On or about November 28, 2017, in the Superior Court of California, County of  
11 Orange, Case No. 17WM08202, Respondent was convicted on pleas of guilty for violation of  
12 Health and Safety Code section 11377(a) (possession of a controlled substance), and violation  
13 of Health and Safety Code section 11364(a) (possession of controlled substance paraphernalia),  
14 both misdemeanors. Respondent was ordered to serve 40 days in Orange County Jail, with  
15 credit for 3 days actual time served and 3 days conduct, totaling 6 days pursuant to Day-for-day,  
16 to run concurrent with any other sentence, and pay fees and a fine.

17 8.

18 On or about November 28, 2017, in the Superior Court of California, County of  
19 Orange, Case No. 17NM15794, Respondent was convicted on a plea of guilty for violation of  
20 Penal Code section 484(a)-488 (petty theft), a misdemeanor. Respondent was ordered to serve  
21 40 days in Orange County Jail, with credit for 3 days actual time served and 3 days conduct,  
22 totaling 6 days pursuant to Day-for-day, to run concurrent with any other sentence, and pay fees  
23 and a fine.

24 9.

25 On or about July 20, 2018, in the Superior Court of California, County of  
26 Orange, Case No. 18WM08109, Respondent was convicted on a plea of guilty for violation of  
27 Health and Safety Code section 11377(a) (possession of a controlled substance), a

1 misdemeanor. Respondent was ordered to serve 45 days in Orange County Jail, with credit for 3  
2 days actual time served and 3 days conduct, totaling 6 days pursuant to Day-for-day, to run  
3 concurrent with any other sentence, and pay fees and a fine.

4 10.

5 On or about July 20, 2018, in the Superior Court of California, County of  
6 Orange, Case No. 18WM08759, Respondent was convicted on pleas of guilty for violation of  
7 Health and Safety Code section 11364(a) (possession of controlled substance paraphernalia),  
8 violation of Penal Code section 496(a) (receiving stolen property), and violation of Huntington  
9 Beach Municipal Code section 9.44.010 (drinking an alcoholic beverage in public), all  
10 misdemeanors. Respondent was ordered to serve 45 days in Orange County Jail, with credit for  
11 3 days actual time served and 3 days conduct, totaling 6 days pursuant to Day-for-day, to run  
12 concurrent with any other sentence, and pay fees and a fine.

13 11.

14 On or about September 11, 2018, in the Superior Court of California, County of  
15 Orange, Case No. 18CM09058, Respondent was convicted on pleas of guilty for violation of  
16 Penal Code section 22210 (possession of a prohibited weapon), violation of Health and Safety  
17 Code section 11377(a) (possession of a controlled substance), and violation of Health and  
18 Safety Code section 11364(a) (possession of controlled substance paraphernalia), all  
19 misdemeanors. Respondent was ordered to serve 40 days in Orange County Jail, with credit for  
20 4 days actual time served and 4 days conduct, totaling 8 days pursuant to Day-for-day, and  
21 payment of fees and a fine.

22 12.

23 On or about November 14, 2018, in the Superior Court of California, County of  
24 Orange, Case No. 18WM14768, Respondent was convicted on a plea of guilty for violation of  
25 Health and Safety Code section 11364(a) (possession of controlled substance paraphernalia), a  
26 misdemeanor. Respondent was ordered to serve 30 days in Orange County Jail, with credit for 5  
27

ACCUSATION



1 days actual time served and 5 days conduct, totaling 10 days pursuant to Day-for-day, to run  
2 concurrent with any other sentence, and pay fees and a fine.

3 13.

4 On or about November 14, 2018, in the Superior Court of California, County of  
5 Orange, Case No. 18WM15421, Respondent was convicted on a plea of guilty for violation of  
6 Health and Safety Code section 11364(a) (possession of controlled substance paraphernalia), a  
7 misdemeanor. Respondent was ordered to serve 30 days in Orange County Jail, with credit for 5  
8 days actual time served and 5 days conduct, totaling 10 days pursuant to Day-for-day, to run  
9 concurrent with any other sentence, and pay fees and a fine.

10 14.

11 The convictions, as described in Paragraphs 3-13 above, bear a substantial  
12 relationship under Section 2910, Title 10, Chapter 6, California Code of Regulations to the  
13 qualifications, functions or duties of a real estate licensee.

14 15.

15 The crimes of which Respondent was convicted, as described in Paragraphs 3-13  
16 above, constitute cause under Sections 490 and 10177(b) of the Code for the suspension or  
17 revocation of the license and license rights of Respondent under the Real Estate Law.

18  
19 SECOND CAUSE OF ACCUSATION

20 (FAILURE TO REPORT CONVICTIONS)

21 16.

22 Pursuant to Section 10186.2 of the Code, a licensee shall report, in writing, "the  
23 conviction of the licensee, including any verdict of guilty, or plea of guilty or no contest, of any  
24 felony or misdemeanor" to the Department of Real Estate ("Department") within thirty (30)  
25 days of the conviction. Respondent failed to report in writing to the Department the convictions  
26 described in Paragraphs 3-13 above, within thirty (30) days of the conviction date.

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ACCUSATION

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17.

Respondent's failure to timely report the convictions constitutes cause under Section 10186.2 of the Code for the suspension or revocation of the license and license rights of Respondent under the Real Estate Law.

THIRD CAUSE OF ACCUSATION

(DISCIPLINARY ACTION)

18.

In aggravation, on or about December 22, 2014, in Case No. 1H 2013 628, the Respiratory Care Board, of the Department of Consumer Affairs, in the State of California, in a Stipulated Surrender and Disciplinary Order, ordered that Respiratory Care Practitioner License No. 10654, issued to Respondent Michael Richard Collins, R.C.P., is surrendered and accepted by the Respiratory Care Board of California. As stated more fully in the Accusation, filed March 25, 2014 by the Respiratory Care Board (the "Board"), the Board found that Respondent was convicted of a crime substantiality related to the qualifications, functions or duties or a respiratory care practitioner, to wit: possession of a smoking device used for smoking a controlled substance, in violation of Business and Professions Code section 3710.

The Board further found that Respondent further subjected his license to disciplinary action under Business and Professions Code section 3750.5, because Respondent obtained, possessed, used and/or administered a controlled substance to himself, by smoking crack cocaine approximately 50 times over the preceding 18 months. The Board further found that Respondent violated Business and Professions Code section 3750.5, because he illegally possessed glass pipes, paraphernalia associated with the use of controlled substances. The Board further found that Respondent violated Business and Professions Code section 3750(g), and that Respondent violated section 1399.370, subdivision (a), of title 16 of the California Code of Regulations, in that he violated a provision or provisions of the Respiratory Care Practice Act.

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ACCUSATION

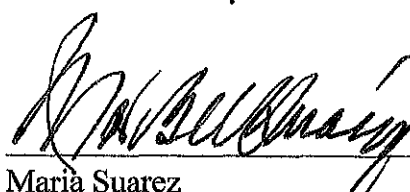
(COSTS OF INVESTIGATION AND ENFORCEMENT)

19.

California Business and Professions 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.

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

Dated at Los Angeles, California this 22<sup>nd</sup> day of April, 2019.

  
\_\_\_\_\_  
Maria Suarez  
Supervising Special Investigator

cc: MICHAEL RICHARD COLLINS  
Maria Suarez  
Sacto.