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DEPT. OF REAL ESTATE

By *al Selou*

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9 **BEFORE THE DEPARTMENT OF REAL ESTATE**

10 **STATE OF CALIFORNIA**

11 * * *

12 In the Matter of the Accusation of) No. H- 41623 LA
13 WILLIAM JOHN MICKLEY JR,) ACCUSATION
14 Respondent.)
15)

16 The Complainant, Chika Sunquist, a Supervising Special Investigator of the
17 State of California, for cause of Accusation against WILLIAM JOHN MICKLEY JR
18 (“Respondent”), is informed and alleges as follows:

19 1.

20 The Complainant, Chika Sunquist, acting in her official capacity as a
21 Supervising Special Investigator of the State of California, makes this Accusation against
22 WILLIAM JOHN MICKLEY JR.

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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1 3.

2 On or about December 27, 2018, Respondent made application to the
3 Department of Real Estate ("Department") for an individual mortgage loan originator license
4 endorsement ("MLO license endorsement").

5 4.

6 In aggravation, on or about May 3, 2004, Respondent pled guilty and was
7 convicted in the Superior Court of California, County of Orange, Case No. 03NM15905, for
8 violation of California Penal Code section 240 (Assault), a misdemeanor, and Penal Code
9 section 242 (Battery), a misdemeanor. Respondent was placed on three years of formal
10 probation, and ordered to perform 40 hours of community service.

11 5.

12 In aggravation, on or about May 4, 2007, Respondent pled guilty and was
13 convicted in the Superior Court of California, County of Orange, Case No. 06WM06416 M A,
14 for violation of California Penal Code section 647(f) (Disorderly Conduct Public Intoxication),
15 a misdemeanor. Respondent was ordered to serve two days in jail and pay fines and fees.

16 6.

17 In aggravation, on or about February 14, 2011, Respondent pled guilty and was
18 convicted in the Superior Court of California, County of Orange, Case No. 11HM01836, for
19 violation of California Vehicle Code section 23152(a) (Driving Under the Influence), a
20 misdemeanor. Respondent was placed on three years of informal probation, and ordered to pay
21 fines and fees.

22 7.

23 On or about March 3, 2011, the Department of Business Oversight ("DBO")
24 issued Respondent a mortgage loan originator license.

25 8.

26 On or about April 16, 2014, Respondent began employment with Mount
27 Olympus Mortgage Company ("Mount Olympus").

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On or about June 3, 2014, Respondent transferred Mount Olympus's confidential customer loan information to Guaranteed Rate, Inc. ("Guaranteed Rate"), a competitor of Mount Olympus, without the knowledge or consent of Mount Olympus.

10.

On or about June 3, 2014, Respondent falsely told a customer that Guaranteed Rate was the rate lock department of Mount Olympus, and did not tell the customer that his loan application was no longer being processed by Mount Olympus.

11.

On or about June 13, 2014, Mount Olympus terminated Respondent's employment, based in part on allegations that Respondent misappropriated Mount Olympus's confidential and proprietary information and that Respondent diverted customers from Mount Olympus to Guaranteed Rate.

12.

On or about June 19, 2014, Mount Olympus filed a civil action in the Superior Court of California, County of Orange, against Respondent and Guaranteed Rate, alleging that Respondent and Guaranteed Rate misappropriated Mount Olympus's confidential and proprietary information and directed Mount Olympus's customers to Guaranteed Rate, and seeking an injunction against Respondent.

13.

On or about June 25, 2014, Mount Olympus served Respondent with the summons and complaint, as described in Paragraph 12 above.

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14.

On or about June 27, 2014, Respondent filed an amended MU4 application with DBO. In response to Question (J)(1)(a), under the Disclosure Questions section of his application, to wit, "Has any domestic or foreign court ever enjoined you in connection with any financial services-related activity?", Respondent answered "NO". In response to Question (J)(2), under the Disclosure Questions section of his application, to wit, "Is there a pending financial services-related civil action in which you are named for any alleged violation described in (J)(1)?", Respondent answered "NO", and failed to disclose the pending financial services-related civil action seeking an injunction against Respondent, as described in Paragraphs 12 and 13 above. In response to Question (Q)(2), under the Disclosure Questions section of his application, to wit, "Have you ever voluntarily resigned, been discharged, or permitted to resign after allegations were made that accused you of fraud, dishonesty, theft, or the wrongful taking of property?", Respondent answered "NO", and failed to disclose his termination by Mount Olympus after allegations accusing Respondent of fraud, dishonesty, theft, or the wrongful taking of property, as described in Paragraphs 11 through 13 above.

15.

On or about February 3, 2016, Mount Olympus dismissed Respondent from the civil action, as described in Paragraph 12 above.

16.

On or about May 22, 2017, Respondent filed an amended MU4 application with DBO. In response to Question (Q)(2), under the Disclosure Questions section of his application, to wit, "Have you ever voluntarily resigned, been discharged, or permitted to resign after allegations were made that accused you of fraud, dishonesty, theft, or the wrongful taking of property?", Respondent answered "NO", and failed to disclose his termination by Mount Olympus after allegations accusing Respondent of fraud, dishonesty, theft, or the wrongful taking of property, as described in Paragraphs 11 through 13 above.

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17.

On or about July 14, 2017, Respondent filed an amended MU4 application with DBO. In response to Question (Q)(2), under the Disclosure Questions section of his application, to wit, "Have you ever voluntarily resigned, been discharged, or permitted to resign after allegations were made that accused you of fraud, dishonesty, theft, or the wrongful taking of property?", Respondent answered "NO", and failed to disclose his termination by Mount Olympus after allegations accusing Respondent of fraud, dishonesty, theft, or the wrongful taking of property, as described in Paragraphs 11 through 13 above.

18.

On or about August 1, 2017, Respondent filed an amended MU4 application with DBO. In response to Question (Q)(2), under the Disclosure Questions section of his application, to wit, "Have you ever voluntarily resigned, been discharged, or permitted to resign after allegations were made that accused you of fraud, dishonesty, theft, or the wrongful taking of property?", Respondent answered "NO", and failed to disclose his termination by Mount Olympus after allegations accusing Respondent of fraud, dishonesty, theft, or the wrongful taking of property, as described in Paragraphs 11 through 13 above.

19.

On or about August 2, 2017, Respondent filed an amended MU4 application with DBO. In response to Question (Q)(2), under the Disclosure Questions section of his application, to wit, "Have you ever voluntarily resigned, been discharged, or permitted to resign after allegations were made that accused you of fraud, dishonesty, theft, or the wrongful taking of property?", Respondent answered "NO", and failed to disclose his termination by Mount Olympus after allegations accusing Respondent of fraud, dishonesty, theft, or the wrongful taking of property, as described in Paragraphs 11 through 13 above.

20.

In aggravation, on or about October 31, 2017, DBO, in Case No. NMLS ID 397945, filed an Accusation against Respondent.

Accusation of William John Mickley Jr

In aggravation, on or about May 9, 2018, the Commissioner of DBO, in Case No. NMLS ID 397945, entered into a Settlement Agreement with Respondent in which Respondent agreed to not apply to renew his mortgage loan originator license with DBO for a period of one year, to pay an administrative penalty in the amount of \$5,000, and to amend his MU4 application to disclose that he was named in a lawsuit in 2014 in which an injunction was sought against him related to financial services-related activity and that he was terminated from Mount Olympus after allegations of theft were made against him.

The facts alleged in Paragraphs 16 through 19 above, constitute cause under Code section 10177(j) for the suspension or revocation of all the licenses, license rights, and license endorsements of Respondent under the Real Estate Law.

Code section 10106 provides, in pertinent part, that in any order issued in resolution of a disciplinary proceeding before the Department 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, license rights, and license endorsements of
4 Respondent WILLIAM JOHN MICKLEY JR under the Real Estate Law, for the cost of
5 investigation and enforcement as permitted by law, and for such other and further relief as may
6 be proper under other applicable provisions of law.

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8 Dated at Sacramento, California
9 this 24th day of February, 2020

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11 
12 Chika Sunquist
13 Supervising Special Investigator

14 cc: WILLIAM JOHN MICKLEY JR
15 Dale Ernest Tillman doing business as The Loan Source, Low Cost Reverse Mortgage
16 Center, and The Seven Team
17 Chika Sunquist
18 Sacto.