

FILED

JUN 25 2020

DEPT. OF REAL ESTATE

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of)	No. H-41623 LA
)	
WILLIAM JOHN MICKLEY JR,)	<u>STIPULATION AND AGREEMENT</u>
)	
Respondent.)	
_____)	

It is hereby stipulated by and between Respondent WILLIAM JOHN MICKLEY JR ("Respondent"), individually, and the Complainant, acting by and through Steve Chu, Counsel for the Department of Real Estate ("Department"), as follows for the purpose of settling and disposing of the Accusation filed on March 4, 2020, and the First Amended Accusation filed on May 4, 2020, ("Accusation") in this matter:

1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondent at a formal hearing on the Accusation, which hearing was to be held in accordance with the provisions of the Administrative Procedure Act ("APA"), shall instead and in place thereof be submitted solely on the basis of the provisions of this Stipulation and Agreement ("Stipulation").

2. Respondent has received, read and understands the Statement to Respondent, the Discovery Provisions of the APA, and the Accusation filed by the Department of Real Estate in this proceeding.

1 3. On March 16, 2020, Respondent filed a Notice of Defense pursuant to
2 Section 11506 of the Government Code for the purpose of requesting a hearing on the
3 allegations in the Accusation. Respondent hereby freely and voluntarily withdraws said Notice
4 of Defense. Respondent acknowledges that Respondent understands that by withdrawing said
5 Notice of Defense, Respondent will thereby waive Respondent's right to require the Real Estate
6 Commissioner ("Commissioner") to prove the allegations in the Accusation at a contested
7 hearing held in accordance with the provisions of the APA and that Respondent will waive
8 other rights afforded to Respondent in connection with the hearing such as the right to present
9 evidence in defense of the allegations in the Accusation and the right to cross-examine
10 witnesses.

11 4. Respondent, pursuant to the limitations set forth below, hereby admits
12 that the factual allegations in the Accusation filed in this proceeding are true and correct and the
13 Commissioner shall not be required to provide further evidence to prove such allegations.

14 5. It is understood by the parties that the Real Estate Commissioner may
15 adopt the Stipulation as his Decision in this matter, thereby imposing the penalty and sanctions
16 on Respondent's real estate license and license rights as set forth in the below Order. In the
17 event that the Commissioner in his discretion does not adopt the Stipulation, it shall be void
18 and of no effect, and Respondent shall retain the right to a hearing and proceeding on the
19 Accusation under all the provisions of the APA and shall not be bound by any admission or
20 waiver made herein.

21 6. The Order or any subsequent Order of the Commissioner made pursuant
22 to this Stipulation shall not constitute an estoppel, merger or bar to any further administrative or
23 civil proceedings by the Department with respect to any matters which were not specifically
24 alleged to be causes for the Accusation in this proceeding.

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1 DETERMINATION OF ISSUES

2 By reason of the foregoing stipulations, admissions, and waivers, and solely for
3 the purpose of settlement of the pending Accusation without a hearing, it is stipulated and
4 agreed that the following Determination of Issues shall be made:

5 The conduct, acts, or omissions of Respondent WILLIAM JOHN MICKLEY JR,
6 as described in the Accusation, constitute cause for the suspension or revocation of all real
7 estate licenses and license rights of Respondent WILLIAM JOHN MICKLEY JR under
8 California Business and Professions Code ("Code") section 10177(j).

9 ORDER

10 All licenses and licensing rights of Respondent WILLIAM JOHN MICKLEY JR
11 under the Real Estate Law are revoked; provided, however, a restricted real estate salesperson
12 license and a restricted individual mortgage loan originator license endorsement shall be issued
13 to Respondent pursuant to Section 10156.5 of the Code if Respondent makes application
14 therefor and pays to the Department the appropriate fee for the restricted license within
15 ninety (90) days from the effective date of this Decision. The restricted license issued to
16 Respondent shall be subject to all of the provisions of Section 10156.7 of the Code and to the
17 following limitations, conditions, and restrictions imposed under Section 10156.6 of the Code:

18 1. The restricted license issued to Respondent may be suspended prior to
19 hearing by Order of the Real Estate Commissioner in the event of Respondent's conviction,
20 plea of guilty, or plea of nolo contendere to a crime which is substantially related to
21 Respondent's fitness or capacity as a real estate licensee.

22 2. The restricted license issued to Respondent may be suspended prior to
23 hearing by Order of the Real Estate Commissioner on evidence satisfactory to the
24 Commissioner that Respondent has violated provisions of the California Real Estate Law, the
25 Subdivided Lands Law, Regulations of the Real Estate Commissioner, or the conditions
26 attaching to this restricted license.

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1 3. Respondent shall not be eligible to apply for the issuance of an
2 unrestricted real estate license, including designated officer or mortgage loan originator
3 endorsement, nor for the removal of any of the conditions, limitations or restrictions of a
4 restricted license until one (1) year has elapsed from the effective date of this Decision and
5 Order.

6 4. Respondent shall submit with any application for license under an
7 employing broker, or any application for transfer to a new employing broker, a statement signed
8 by the prospective employing real estate broker, on a form approved by the Department of Real
9 Estate, which shall certify:

- 10 (a) That the employing broker has read the Decision of the
11 Commissioner which granted the right to a restricted license; and
12 (b) That the employing broker will exercise close supervision over
13 the performance by the restricted licensee relating to activities for
14 which a real estate license is required.

15 5. Respondent shall, within twelve (12) months from the effective date of
16 this Decision and Order, present evidence satisfactory to the Commissioner that Respondent
17 has, since the most recent issuance of an original or renewal real estate license, taken and
18 successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the
19 Real Estate Law for renewal of a real estate license. If Respondent fails to satisfy this
20 condition, Respondent's real estate license shall automatically be suspended until Respondent
21 presents evidence satisfactory to the Commissioner of having taken and successfully completed
22 the continuing education requirements. Proof of completion of the continuing education
23 courses must be delivered to the Department of Real Estate, Flag Section at P.O. Box 137013,
24 Sacramento, CA 95813-7013.

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1 6. Respondent shall notify the Commissioner in writing within 72 hours of
2 any arrest by sending a certified letter to the Commissioner at the Department of Real Estate,
3 Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013. The letter shall set forth the
4 date of Respondent's arrest, the crime for which Respondent was arrested and the name and
5 address of the arresting law enforcement agency. Respondent's failure to timely file written
6 notice shall constitute an independent violation of the terms of the restricted license and shall
7 be grounds for the suspension or revocation of that license.

8 7. All licenses and licensing rights of Respondent will be indefinitely
9 suspended on October 31, 2020, unless or until Respondent pays the sum of \$5,435.80 for the
10 Commissioner's reasonable cost of the investigation and enforcement which led to this
11 disciplinary action by October 31, 2020. Said payment shall be in the form of a cashier's check
12 made payable to the Department of Real Estate. The investigative and enforcement costs must
13 be delivered to the Department of Real Estate, Flag Section at P.O. Box 137013,
14 Sacramento, CA 95813-7013.

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16 DATED: 5-19-2020



Steve Chu, Counsel
Department of Real Estate

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2 I have read the Stipulation and Agreement. I understand that I am waiving rights
3 given to me by the California Administrative Procedure Act, (including but not limited to
4 Sections 11521 and 11523 of the Government Code), and I willingly, intelligently, and
5 voluntarily waive those rights, including the right to seek reconsideration and the right to seek
6 judicial review of the Commissioner's Decision and Order by way of a writ of mandate.

7 I agree, acknowledge, and understand that I cannot rescind or amend this
8 Stipulation and Agreement.

9 I can signify acceptance and approval of the terms and conditions of this
10 Stipulation and Agreement by mailing the original signed Stipulation and Agreement by
11 June 30, 2020, to: Steve Chu, Department of Real Estate, 320 West 4th Street, Suite 350,
12 Los Angeles, California 90013-1105.

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14 DATED: 5/11/2020

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17 WILLIAM JOHN MICKLEY JR
18 Respondent

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The foregoing Stipulation and Agreement is hereby adopted by me as my
Decision in this matter as to Respondent WILLIAM JOHN MICKLEY JR, and shall become
effective at 12 o'clock noon on July 24, 2020.

IT IS SO ORDERED 6.1.20

DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER

