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**FILED**

MAY 13 2021

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-41957 LA  
13 MICHAEL TODD CHULAK, ) ACCUSATION  
14 Respondent. )  
15 \_\_\_\_\_ )

16 The Complainant, Maria Suarez, a Supervising Special Investigator of the State of  
17 California, for cause of Accusation against MICHAEL TODD CHULAK, a.k.a. "Michael T.  
18 Chulak" and "Michael Chulak" ("Respondent"), alleges as follows:

19 1.

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

22 2.

23 Respondent presently has license rights under the Real Estate Law, Part 1 of Division 4  
24 of the California Business and Professions Code ("Code"), as a restricted real estate broker  
25 (License ID No. 00397628). Respondent's restricted real estate broker license will expire on  
26 June 25, 2022, unless renewed.

27 ///

ACCUSATION

1 (RESTRICTED LICENSE)

2 3.

3 On or about September 2, 1997, a restricted real estate broker license was issued by the  
4 Department of Real Estate to Respondent on the limitations, conditions and restrictions set  
5 forth in the Real Estate Commissioner's Order of August 5, 1997 ("1997 Order"), in Case No.  
6 H-26705 LA.

7 4.

8 Included in said limitations, conditions and restrictions, as stated in paragraph III of the  
9 1997 Order, were the following:

10 "(2) The restricted license may be suspended prior to hearing by order of the  
11 Real Estate Commissioner on evidence satisfactory to the Commissioner that  
12 Respondent CHULAK has violated provisions of the California Real Estate  
13 Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner,  
14 or the conditions attaching to the restricted license."

15 (DISCIPLINARY ACTION)

16 5.

17 On or about August 14, 2020, in the Supreme Court of the State of California, Case No.  
18 S261937, pursuant to the California State Bar Court ("State Bar Court") Consolidated Case  
19 Nos. SBC-19-O-30128; SBC-19-O-30558; SBC-20-O-30077, Respondent was suspended from  
20 practice of law in California for three years, but the suspension was stayed, and Respondent  
21 was placed on a three-year probation subject to certain terms and conditions.

22 Said terms and conditions included, in part, the following: (a) suspension from the  
23 practice of law for the first two years of probation, with suspension in place until Respondent  
24 makes restitution to six named clients and provides to the State Bar proof of rehabilitation,  
25 fitness to practice and present learning and ability in the general law; (b) complying with other  
26 conditions of probation recommended by the Hearing Department of the State Bar Court in its  
27 Order Approving Stipulation filed on March 4, 2020; (c) providing proof that Respondent took

ACCUSATION

1 and passed the Multistate Professional Responsibility Examination as recommended by the  
2 Hearing Department in its Order Approving Stipulation filed on March 4, 2020; and (d)  
3 complying with California Rules of Court, rules 9.20(a) and 9.20(c) within 30 and 40 calendar  
4 days, respectively, after August 14, 2020.

5 According to the Stipulation Re Facts, Conclusions of Law and Disposition and Order  
6 Approving Actual Suspension filed on March 4, 2020, in Case Nos. SBC-19-O-30128, SBC-  
7 19-O-30558, SBC-20-O-30077, and OCTC Case Nos. 19-O-14798 and 19-O-19090,  
8 Respondent was subject to disciplinary action for violating multiple Code sections and the  
9 California Rules of Professional Conduct ("Rules of Professional Conduct"). Said violations  
10 included the following:

- 11 • Code section 6106 (moral turpitude – misappropriation);
- 12 • former Rules of Professional Conduct, rule 4-100(A) (commingling-payment  
13 of personal expenses from client trust accounts);
- 14 • former Rules of Professional Conduct, rule 3-700(A)(2) (improper  
15 withdrawal from employment);
- 16 • former Rules of Professional Conduct, rule 4-100(B)(3) (failure to render  
17 accounts of client funds)
- 18 • former Rules of Professional Conduct, rule 3-700(D)(1) (failure to release  
19 files);
- 20 • Rules of Professional Conduct, rule 1.15(d)(4) (failure to render appropriate  
21 accounting to client);
- 22 • Code section 6068(m) (failure to respond to client inquiries);
- 23 • former Rules of Professional Conduct, rule 3-700(D)(2) (failure to refund  
24 unearned fees);
- 25 • Code section 6068(e) (failure to maintain confidential information);
- 26 • Code section 6106 (moral turpitude-misrepresentation; misappropriation);
- 27 • Code section 6068(i) (failure to cooperate in State Bar investigation);

- 1 • former Rules of Professional Conduct, rule 3-110(A) (failure to perform with
- 2 competence); and
- 3 • Rules of Professional Conduct, rule 1.16(d) (improper withdrawal from
- 4 representation).

5 6.

6 The disciplinary action, as described in Paragraphs 5 above, constitutes cause under  
7 Code section 10177(f) for the suspension or revocation of the license and license rights of  
8 Respondent under the Real Estate Law.

9 (FAILURE TO REPORT DISCIPLINARY ACTION)

10 7.

11 Pursuant to Section 10186.2 of the Code, a licensee shall report, in writing, "any  
12 disciplinary action taken by another licensing entity or authority of this state" to the  
13 Department of Real Estate ("Department") within thirty (30) days of the disciplinary action.  
14 Respondent failed to report in writing to the Department the disciplinary actions described in  
15 Paragraph 5 above, within thirty (30) days of the disciplinary actions.

16 8.

17 Respondent's failure to timely report the disciplinary actions described in Paragraph 5  
18 above, within 30 days of the disciplinary actions, constitutes cause under Section 10186.2 of  
19 the Code for the suspension or revocation of the license and license rights of Respondent under  
20 the Real Estate Law.

21 (COSTS OF INVESTIGATION AND ENFORCEMENT)

22 9.

23 California Business and Professions Code section 10106, provides, in pertinent part,  
24 that in any order issued in resolution of a disciplinary proceeding before the Department of  
25 Real Estate, the Commissioner may request the administrative law judge to direct a licensee  
26 found to have committed a violation of this part to pay a sum not to exceed the reasonable costs  
27 of the investigation and enforcement of the case.

ACCUSATION

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These proceedings are brought under the provisions of Section 10100, Division 4 of the Business and Professions Code of the State of California and Sections 11500 through 11528 of the California Government Code.

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 MICHAEL TODD CHULAK 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 Los Angeles, California  
this 15th day of April, 2021.

Maria Suarez  
Maria Suarez (Apr 15, 2021 16:40 PDT)  
\_\_\_\_\_  
Maria Suarez  
Supervising Special Investigator

cc: MICHAEL TODD CHULAK  
Maria Suarez  
Sacto.