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FILED
OCT 28 2021
DEPT. OF REAL ESTATE
By

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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| In the Matter of the Accusation of<br><br>WALTER ROY MITCHELL,<br><br>Respondent. | No. H-42074 LA<br><br>ACCUSATION |

The Complainant, Veronica Kilpatrick, a Supervising Special Investigator of the State of California, for cause of Accusation against WALTER ROY MITCHELL ("Respondent"), alleges as follows:

1.

The Complainant, Veronica Kilpatrick, a Supervising Special Investigator of the State of California, makes this Accusation in her official capacity.

2.

Respondent presently 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 broker (License No. 00982398). Respondent's license is set to expire on July 20, 2024, unless

renewed.

(DISCIPLINARY ACTION)

3.

On or about March 14, 2020, before the Supreme Court of the State of California, Case No. S259541 (California State Bar Court case no. 18-O-12028), pursuant to an Order dated February 13, 2020, Respondent (State Bar No. 165834) was suspended from the practice of law for two years. The execution of said suspension was stayed, and Respondent was placed on probation for two years which included, among others, actual suspension from the practice of law for the first 90 days of Respondent's probation.

Respondent was subject to disciplinary action for two counts of violating former rule 4-100(A) of the State Bar Rules of Professional Conduct ("RPC"), as follows:

(a) Respondent willfully violated RPC former rule 4-100(A), in that from November 2017 to April 2018, Respondent deposited or commingled funds belonging to Respondent into his client trust account ("CTA").

(b) Respondent willfully violated RPC former rule 4-100(A), in that from November 2017 to April 2018, Respondent issued checks and authorized electronic withdrawals from the CTA to pay for personal expenses.

(FAILURE TO REPORT DISCIPLINE)

4.

Pursuant to Section 10186.2 of the Code, a licensee shall report, in writing, "any disciplinary action taken by another licensing entity or authority of this state or of another state or an agency of the federal government" to the Department of Real Estate ("Department") within thirty (30) days of the disciplinary action. Respondent failed to report in writing to the Department the disciplinary action described in Paragraph 3, within thirty (30) days of the disciplinary action.

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5.

Respondent's failure to timely report the disciplinary action described in Paragraph 3 above 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.

(IN AGGRAVATION)

6.

On or about January 18, 2013, before the Supreme Court of California, Case No. S205954 (California State Bar Court case no. 11-O-19540), pursuant to Order dated December 19, 2012, Respondent (State Bar No. 165834) was suspended from the practice of law for two years. The execution of said suspension was stayed, and Respondent was placed on probation for two years which included, among others, actual suspension from the practice of law for the first 30 days of Respondent's probation.

Respondent was subject to disciplinary action for willfully violating Code section 6068(a) (obey the law), sections 6125 and 6126 (unauthorized practice of law), and section 6016 (moral turpitude). Respondent willfully violated said Code sections, in that while he was suspended by the California State Bar from July 1, 2011 to August 3, 2011, Respondent engaged in the unauthorized practice of law.

7.

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

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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 WALTER ROY MITCHELL 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 San Diego, California
this 7 day of October, 2021.

Veronica Kilpatrick

Veronica Kilpatrick
Supervising Special Investigator

cc: WALTER ROY MITCHELL
Veronica Kilpatrick
Sacto.