BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of WALTER ROY MITCHELL, Respondent.	DRE No. H-42074 LA

ORDER STAYING EFFECTIVE DATE

On January 21, 2022, a Decision was rendered in the above-entitled matter to become effective at noon on March 21, 2022.

IT IS HEREBY ORDERED that the effective date of the Decision is stayed, and the Decision of January 21, 2022, which was filed on February 28, 2022, shall become effective at 12 o'clock noon on May 2, 2022.

DATED: MAR 21 2022

DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER

for Doug McCauley

FILED

February 28, 2022

Department of Real Estate

By

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of:	)	DRE No. H-42074 LA
	)	
WALTER ROY MITCHELL,	)	
	)	
Respondent(s).	)	

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 January 11, 2022, and the Findings of Fact set forth herein, which are based on one or more of the following: (1) The express admissions of Respondent, WALTER ROY MITCHELL ("Respondent"); (2) affidavits; and (3) other evidence.

This Decision revokes one or more real estate licenses and/or license rights on grounds of license discipline by another state agency and Respondent's failure to timely report said license discipline.

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.

FINDINGS OF FACT

1.

On October 7, 2021, Veronica Kilpatrick 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 October 28, 2021.

2.

On January 11, 2022, 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 (License No. 00982398). Respondent's license is set to expire on July 20, 2024, unless renewed.

4.

To date, the Department has incurred Investigation Costs of $1,511.25.

5.

Attached as Exhibit "A" is a true and correct copy of the Accusation filed on October 28, 2021, which is incorporated herein as part of this Decision.

DETERMINATION OF ISSUES

1.

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.

2.

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

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ORDER

All licenses and licensing rights of Respondent WALTER ROY MITCHELL 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 MAR 21 2022.

DATED: 1.21.22.

DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER

Department of Real Estate
320 West Fourth St, Ste 350
Los Angeles, CA, 90013

FILED

JAN 11 2022

DEPT. OF REAL ESTATE

By L Posad

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of:	DRE NO. ***H-42074 LA***
WALTER ROY MITCHELL,	DEFAULT ORDER
Respondent.	

Respondent WALTER ROY MITCHELL, having failed to file a Notice of Defense within the time required by Section 11506 of the Government Code, is now in default. It is, therefore, ordered that a default be entered on the record in this matter.

IT IS SO ORDERED JAN 11 2022.

DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER

By: _____
CHIKA SUNQUIST
Assistant Commissioner, Enforcement

Exhibit "A"

FILED

OCT 28 2021

DEPT. OF REAL ESTATE

By

KATHY YI, Counsel (SBN 236736)
Department of Real Estate
320 West 4th Street, Suite 350
Los Angeles, California 90013-1105
Telephone: (213) 576-6982
Direct: (213) 576-6940
Fax: (213) 576-6917
Attorney for Complainant

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of WALTER ROY MITCHELL, Respondent.	No. H-42074 LA 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.