

**BEFORE THE
BUREAU CHIEF OF THE BUREAU OF REAL ESTATE APPRAISERS
BUREAU OF REAL ESTATE APPRAISERS
STATE OF CALIFORNIA**

In the Matter of the of the
Real Estate Appraiser License of:

Case No. BL- C20170221-04

Michael Owen,
12716 Manor Drive
Auburn, CA 95603

Real Estate Appraiser License No. 043885
Respondent.

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Chief of the Bureau of Real Estate Appraisers, Department of Consumer Affairs as the Decision and Order in the above entitled matter.

This Decision shall become effective on 4-10-17.

It is so ORDERED 4-10-17.

Original Signed

JAMES MARTIN, BUREAU CHIEF,
BUREAU OF REAL ESTATE APPRAISERS
DEPARTMENT OF CONSUMER AFFAIRS

1 Bureau of Real Estate Appraisers
1102 Q Street, Suite 4100
2 Sacramento, CA 95811

3 Telephone: (916) 552-9742
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5 **BEFORE THE**
CHIEF OF THE BUREAU OF REAL ESTATE APPRAISERS
6 **STATE OF CALIFORNIA**

7 In the Matter of the Administrative Allegation of
8 Violation Against:

Case No. BL-C20170221-04

9 **Michael M. Owen**
Real Estate Appraiser License No. 043885

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

10 Respondent.
11

12 In the interest of a prompt and speedy settlement of this matter, consistent with the public
13 interest and mission of the Bureau of Real Estate Appraisers ("Bureau" or "BRE"), the parties
14 hereby agree to the following Stipulated Settlement and Disciplinary Order ("Stipulated
15 Settlement") which will be submitted to the Chief of the Bureau of Real Estate Appraisers
16 ("Bureau Chief" or "Chief of BRE") for approval and adoption as the final disposition of this
17 proceeding:

18 **PARTIES**

19 1. Elizabeth Seaters, acting on behalf of the Bureau of Real Estate Appraisers
20 ("Complainant"), brings this action solely in her official capacity as Chief of Enforcement for
21 Complainant.

22 2. Michael M. Owen ("Respondent") is representing himself and has chosen not to
23 exercise his right to be represented by counsel at this time.

24 3. On or about April 16, 2008, the Bureau issued Real Estate Appraiser License Number
25 043885 to Respondent. Respondent's License was in full force and effect at all times relevant to
26 the attached administrative allegation of violation. Respondent's license expired on July 17, 2016.

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1 CULPABILITY

2 11. Respondent admits the truth of each and every administrative allegation of violation
3 attached as Exhibit "A", and agrees that cause exists for discipline against his or her Real Estate
4 Appraiser License.

5 12. Respondent agrees that his or her Real Estate Appraiser License is subject to
6 discipline and he or she agrees to be bound by the Bureau Chief's imposition of discipline as set
7 forth in the following Disciplinary Order.

8 CONTINGENCY

9 13. This Stipulated Settlement shall be subject to approval by the Bureau Chief.
10 Respondent understands and agrees that counsel for Complainant and Complainant's staff may
11 communicate directly with the Bureau Chief regarding this Stipulated Settlement, without notice
12 to or participation by Respondent or his or her counsel. By signing this Stipulated Settlement,
13 Respondent understands and agrees that he or she may not withdraw his or her agreement or seek
14 to rescind this Stipulated Settlement prior to the time the Bureau Chief considers and acts upon it.
15 If the Bureau Chief fails to adopt this Stipulated Settlement, the Stipulated Settlement shall be of
16 no force or effect, and, except for this paragraph, it shall be inadmissible in any legal action
17 between the parties, and the Bureau Chief shall not be disqualified from further action by having
18 considered this matter.

19 14. The parties understand and agree that Portable Document Format ("PDF") or
20 facsimile copies of this Stipulated Settlement, including PDF or facsimile signatures thereto, shall
21 have the same force and effect as the originals.

22 15. This Stipulated Settlement is intended by the parties to be an integrated writing
23 representing the complete, final, and exclusive embodiment of their agreement. It supersedes any
24 and all prior or contemporaneous agreements, understandings, discussions, negotiations, and
25 commitments (written or oral). This Stipulated Settlement may not be altered, amended,
26 modified, supplemented, or otherwise changed except by a writing executed by an authorized
27 representative of each of the parties.
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16. In consideration of the foregoing admissions and stipulations, the parties agree that the Bureau Chief may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that if Respondent renews his license or is otherwise issued a real estate appraiser license, his license shall be immediately revoked. However, the revocation shall be stayed and Respondent's license shall be publically reprovved and monitored on probation for four and a half (4 ½) years from Respondent renewing or otherwise receiving a license on the terms and conditions described below.

1. **Actual Suspension.** Respondent's license is suspended for a period of thirty (30) days immediately following Respondent renewing or otherwise receiving a license. During the period of suspension, Respondent shall not engage in any activities for which licensure as a real estate appraiser is required.

2. Payment of Fine. Respondent shall pay a fine in the sum of Five Hundred Dollars (\$500.00). Payment is due thirty (30) days from Respondent renewing or otherwise receiving a license. If payment is not received by the due date, a ten (10) percent late penalty shall be added to the unpaid balance and interest will accrue on the unpaid balance at the pooled money investment rate in effect at that time, until the amount is paid. Respondent shall not be eligible to renew his license until payment is made. Failure to make timely payment on the fine shall constitute a violation of the probationary order.

3. Obey All Laws. Respondent shall comply with all federal, state and local laws, the Real Estate Appraisers' Licensing and Certification Law and regulations promulgated thereto, and conform to the minimum guidelines set forth under the Uniform Standards of Professional Appraisal Practice ("USPAP"), and all other laws and regulations pertaining to real estate appraisers. Additionally, if Respondent is subject to criminal court orders, Respondent shall comply with all criminal court orders, including probation and parole.

4. Comply with Probation. Respondent shall fully comply with the terms and conditions of the probation imposed by the Chief of BREa and shall cooperate fully with

representatives of BREa in its monitoring and investigation of Respondent's compliance with the terms and conditions of probation.

5. Violation of Probation. If Respondent violates probation in any respect, the Chief of BREa, after giving Respondent notice and an opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an accusation or a petition to revoke probation is filed against Respondent during probation, the Chief shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

ACCEPTANCE

I have carefully read the above Stipulated Settlement. I understand the stipulation and the effect it will have on my Real Estate Appraiser License. I enter into this Stipulated Settlement voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Bureau Chief.

DATED: 4-3-2017

Original Signed

Michael M. Owen
Respondent

ENDORSEMENT

The foregoing Stipulated Settlement is hereby respectfully submitted for the Bureau Chief's consideration.

DATED: 4/10/17

Original Signed

Elizabeth Seaters
Chief of Enforcement

Exhibit A

Administrative Allegation of Violation - Case No. BL-C20170221-04

In 2015, Respondent was involved in two separate incidents. The first incident involved Respondent engaging in domestic violence while intoxicated. The second incident involved Respondent driving while intoxicated. On or about June 30, 2016, Respondent pled guilty to the following charges: Penal Code section 417(a)(1) [exhibiting a deadly weapon]; Penal Code section 243(e)(1) [battery on spouse]; two counts of Penal Code section 273a(b) [child endangerment]; Vehicle Code section 23152(a) [driving under the influence]; and Vehicle Code section 23152(b) [driving with a blood alcohol level over 0.8%].

Business and Professions Code section 11318 requires licensees notify the Bureau within thirty days of being convicted. Respondent failed to notify the Bureau within thirty days. Therefore, Respondent's license is subject to discipline pursuant to California Code of Regulations section 3721(a)(7) [violating Bureau law].

Furthermore, Respondent's convictions subject his license to discipline pursuant to California Code of Regulations section 3721(a)(1).