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DEPARTMENT OF REAL ESTATE

By *Jana B. Orno*

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DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	NO. H-25018 LA
)	
JESSYCA A. MICHELSON-NYGREN)	
aka Jessyca Aida Michelson)	
)	
Respondent.)	

ORDER GRANTING REINSTATEMENT OF LICENSE

On September 9, 1992, a Decision After Reconsideration was rendered herein revoking the real estate salesperson license of Respondent, JESSYCA A. MICHELSON-NYGREN (hereinafter "Respondent"), effective September 10, 1992, but granting Respondent the right to apply for and be issued a restricted real estate salesperson license. Said restricted real estate salesperson license was issued to Respondent on October 27, 1992.

On January 16, 1996, Respondent petitioned for reinstatement of said real estate salesperson license and the Attorney General of the State of California has been given notice of the filing of said petition.

1
2 I have considered Respondent's petition and the
3 evidence and arguments in support thereof. Respondent has
4 demonstrated to my satisfaction that grounds do not presently
5 exist to deny the issuance of an unrestricted real estate
6 salesperson license to Respondent.

7 NOW, THEREFORE, IT IS ORDERED that Respondent's
8 petition for reinstatement is granted and that an
9 unrestricted real estate salesperson license be issued to
10 Respondent, JESSYCA A. MICHELSON-NYGREN, after Respondent
11 satisfies the following conditions within one (1) year from
12 the date of this Order:

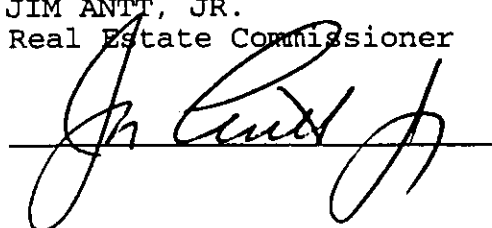
13 1. Submittal of a completed application and
14 payment of the fee for a real estate salesperson license.

15 2. Submittal of evidence satisfactory to the Real
16 Estate Commissioner that Respondent has, since September 9,
17 1993, taken and successfully completed the 45 hours of
18 education required in Section 10170.5 of the Business and
19 Professions Code.

20 This Order shall become effective immediately.

21 DATED: 12/10/96.

22 JIM ANTT, JR.
23 Real Estate Commissioner

24 

25
26 JESSYCA A. MICHELSON-NYGREN
27 15040 Moorpark Street #207
Sherman Oaks, California 91403

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DEPARTMENT OF REAL ESTATE

By Emily Sakata

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of)	NO. H-25018 LA
)	
JESSYCA A. MICHELSON-NYGREN.)	L-56904
aka Jessyca Aida Michelson,)	
)	
Respondent.)	
)	

DECISION AFTER RECONSIDERATION

On July 20, 1992, a Decision was rendered herein by the Real Estate Commissioner. Said Decision is to become effective on September 10, 1992. On August 7, 1992, reconsideration was granted for the limited purpose of determining whether the disciplinary action imposed against respondent by said Decision should be reduced. I have considered the petition of respondent JESSYCA A. MICHELSON-NYGREN and it is hereby ordered that the disciplinary action therein imposed against respondent JESSYCA A. MICHELSON-NYGREN be reduced by modifying the Order of said Decision to read as set forth below.

ORDER

1
2 A. The real estate salesperson license and licensing
3 rights of JESSYCA A. MICHELSON-NYGREN are hereby revoked.

4 B. A restricted real estate salesperson license shall
5 be issued to respondent pursuant to Section 10156.5 of the
6 Business and Professions Code if respondent makes application
7 therefor, and pays to the Department of Real Estate the
8 appropriate fee for said license within 90 days from the
9 effective date of the Order herein. The restricted license
10 issued to respondent shall be subject to all of the provisions
11 of Section 10156.7 of the Business and Professions Code and to
12 the following limitations, conditions, and restrictions imposed
13 under authority of Section 10156.6 of the Code.

14 (1) The Restricted license may be suspended,
15 prior to and pending final determination after formal hearing,
16 by Order of the Real Estate Commissioner in the event of
17 respondent's conviction or plea of nolo contendere to a crime
18 which bears a significant relationship to respondent's fitness
19 or capacity as a real estate licensee.

20 (2) The restricted license may be suspended,
21 prior to and pending final determination after formal hearing,
22 by order of the Real Estate Commissioner based upon evidence
23 satisfactory to the Commissioner that respondent has violated
24 provisions of the California Real Estate Law, the Subdivided
25 Lands Law, Regulations of the Real Estate Commissioner or
26 conditions attaching to the restricted license.

27 /

1 (3) With the application for license, or with the
2 application for transfer to a new employing broker, respondent
3 shall submit a statement signed by the prospective employing
4 broker on a form approved by the Department of Real Estate
5 wherein the employing broker shall certify as follows:

6 a. That broker has read the Order herein and the
7 Decision which is the basis for the issuance of the restricted
8 license; and

9 b. That broker will carefully review all
10 transaction documents prepared by the restricted licensee and
11 otherwise exercise close supervision over the licensee's
12 performance of acts for which a license is required.

13 (4) Respondent shall not be eligible to apply for
14 the issuance of an unrestricted real estate license nor the
15 removal of any of the conditions, limitations or restrictions of
16 the restricted license until at least one (1) year has elapsed
17 from the date of this Order.

18 (5) Respondent shall, within 12 months from the
19 effective date of the Decision, present evidence satisfactory to
20 the Real Estate Commissioner that she has, since the most recent
21 issuance of an original or renewal real estate license, taken
22 and successfully completed the courses specified in subdivision
23 (a) and (b) of Section 10170.5 of the Real Estate Law for
24 renewal of a license. If respondent fails to satisfy this
25 condition, the Commissioner may order the suspension of the
26 restricted license until the respondent presents such evidence.
27 The Commissioner shall afford respondent the opportunity for a

1 hearing pursuant to the Administrative Procedure Act to present
2 such evidence.

3 6. Respondent shall, within six months from the
4 effective date of the restricted license, take and pass the
5 Professional Responsibility Examination administered by the
6 Department including the payment of the appropriate examination
7 fee. If respondent fails to satisfy this condition, the
8 Commissioner may order suspension of the restricted license
9 until respondent passes the examination.

10 As hereby modified and amended, the Decision of
11 July 20, 1992, shall become effective at 12 o'clock noon on
12 September 10, 1992.

13 IT IS SO ORDERED September 9, 1992.

14 CLARK WALLACE
15 Real Estate Commissioner

16
17
18 by: John R. Liberator
19 JOHN R. LIBERATOR
20 Chief Deputy Commissioner

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Sect. 107

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DEPARTMENT OF REAL ESTATE
BY *Jana B. ...*

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of)	No. H-25018 LA
JESSYCA A. MICHELSON-NYGREN,)	L-56904
)	
Respondent.)	

ORDER STAYING EFFECTIVE DATE

On July 20, 1992, a Decision was rendered in the above-entitled matter to become effective August 11, 1992.

IT IS HEREBY ORDERED that the effective date of the Decision of July 20, 1992 is stayed for a period of 30 days.

The Decision of July 20, 1992, shall become effective at 12 o'clock noon on September 10, 1992.

DATED: *7 August 92*

CLARK WALLACE
Real Estate Commissioner

By: *Randolph Brendia*
RANDOLPH BRENDIA
Regional Manager

FILED

JUL 22 1992

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE
BY Laura B. Orone

* * * *

In the Matter of the Accusation of)
)
 JESSYCA A. MICHAELSON-NYGREN,)
)
)
)
 Respondent.)

No. H-25018 LA
L-56904

DECISION

The Proposed Decision dated July 8, 1992 of the Administrative Law Judge of the Office of Administrative Hearings, is hereby adopted as the Decision of the Real Estate Commissioner in the above-entitled matter.

The Decision suspends or revokes one or more real estate licenses on grounds of knowingly making a false statement of fact required to be revealed in an application for license.

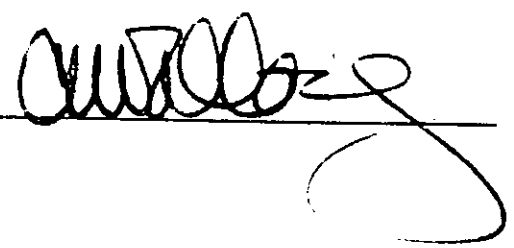
The right to reinstatement of a revoked real estate license or to the reduction of a suspension is controlled by Section 11522 of the Government Code. A copy of Section 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of respondent.

This Decision shall become effective at 12 o'clock noon on August 11, 1992.

IT IS SO ORDERED

7/20/92

CLARK WALLACE
Real Estate Commissioner



BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation)	
Against:)	
)	
)	
JESSYCA A. MICHELSON-NYGREN,)	No. H-25018 LA
)	L-56904
)	
Respondent.)	
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PROPOSED DECISION

This matter was tried before Rosalyn M. Chapman, Administrative Law Judge of the Office of Administrative Hearings, at Los Angeles, California, on June 22, 1992. Complainant was represented at trial by James R. Peel, Staff Counsel. Respondent was present throughout the trial and represented herself.

The Accusation was amended at trial as follows: Page 2, line 1, the word "subject" was stricken; and at page 2, line 2 was stricken in toto.

Oral and documentary evidence having been received and the matter submitted, the Administrative Law Judge finds as follows:

FINDINGS OF FACT

1. The Accusation was made by Steven J. Ellis solely in his official capacity as Deputy Real Estate Commissioner of the State of California.

2. On September 24, 1990, Jessyca Aida Michelson-Nygren (hereafter respondent) submitted an application, pursuant to Business and Professions Code (BPC) Section 10153.3, to the Department of Real Estate, State of California (hereafter Department), for a real estate salesperson's license.

3. On October 4, 1990, the Department issued real estate salesperson's license no. 01092479 to respondent, based on the information in her application to the Department. Said license is in full force and effect.

4. Question 25 in the application respondent submitted to the Department for licensure asked: "HAVE YOU EVER BEEN CONVICTED OF ANY VIOLATION OF LAW? . . ." In response thereto, respondent answered, "NO". In answering Question 25 in the application as she did, respondent procured a license by fraud, in that respondent wilfully and intentionally failed to disclose to the Department that she had been convicted of a crime, specifically the crime set forth below in Finding 5

5. A. On January 7, 1988, in the Municipal Court of the Los Angeles Judicial District, Los Angeles County, California, respondent, using the name Jessyca Aida Michelson, pleaded nolo contendere to, and was convicted of, violating Penal Code Section 484 (petty theft), a crime involving moral turpitude per se.

B. Imposition of sentence was suspended and respondent was placed on summary probation for twelve months on the condition that she serve five days in the county jail or perform 100 hours of community service.

C. Said conviction is, as a matter of law, substantially related to the duties, qualifications or functions of a real estate salesperson.

6. The facts and circumstances underlying respondent's conviction are, as follows: On or about December 5, 1987, respondent shoplifted items of women's clothing from a department store.

7. Respondent is embarrassed by, and ashamed of, her shoplifting conviction, and until quite recently had not disclosed it to her husband. Respondent has still not told her parents of her conviction.

8. Respondent asserts that she is a completely different person than she was in 1987 and 1988 when she was convicted of shoplifting. At that time, respondent, who was then 21 years old, was still in college. Respondent opines that she then had no direction in life and was "lost".

9. On July 1, 1989, respondent married. In December 1989, respondent completed her college studies, later receiving a Bachelor of Science degree in social psychology with a minor in criminology from California State University at Northridge.

10. Since December 1990, respondent has been employed by the Jon Douglas Company, a major real estate broker in the greater Los Angeles area. Respondent's real estate activity has been exclusively in residential property, although she has recently become interested in commercial real estate and land development projects. She has completed the course requirements under BPC Section 10153.3, and her license is no longer conditional. Respondent claims that she has been a successful real estate agent, and that the manager and assistant manager in her office are aware of the pending charges against her.

11. Respondent candidly admits that she falsely answered Question 25 in the application she submitted to the Department for licensure because she was fearful that if she answered it honestly and correctly she would not be licensed by the Department. But respondent shows little remorse for this conduct.

12. Respondent appears to be more mature than when she applied to Department for licensure. She is greatly concerned about her career in the real estate industry. Respondent is intelligent, and interested in improving her knowledge of the real estate field to better help her clients.

* * * * *

Pursuant to the foregoing Findings of Fact, the Administrative Law Judge makes the following Determination of Issues:

CONCLUSIONS OF LAW

Grounds exist to revoke or suspend respondent's license to act as a real estate salesperson pursuant to Business and Professions Code (BPC) Sections 490 and 10177(a) in that respondent made a false statement of fact required to be revealed in an application, by failing to disclose a conviction which is substantially related to her licensed duties as a real estate agent, as set forth in Findings 1-6 and 11 above.

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* * * * *

WHEREFORE, THE FOLLOWING ORDER is hereby made:

ORDER

The real estate salesperson's license no. 01092479
issued to Jessyca Aida Michelson-Nygren is hereby revoked.

Dated: July 8, 1992

Rosalyn M. Chapman
ROSALYN M. CHAPMAN
Administrative Law Judge
Office of Administrative Hearings

RMC:lf

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

Laura B. Chom

In the Matter of the Accusation of

JESSYCA A. MICHELSON-NYGREN,

Case No. H-25018 LA

OAH No. L-56904

Respondent

NOTICE OF HEARING ON ACCUSATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at _____

OFFICE OF ADMINISTRATIVE HEARINGS

314 W. FIRST STREET, LOS ANGELES, CALIFORNIA 90012

on JUNE 22, 1992, at the hour of 9:00 a.m.,
or as soon thereafter as the matter can be heard, upon the Accusation served upon you.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter. The interpreter must be approved by the Administrative Law Judge conducting the hearing as someone who is proficient in both English and the language in which the witness will testify. You are required to pay the costs of the interpreter unless the Administrative Law Judge directs otherwise.

DEPARTMENT OF REAL ESTATE

Dated: April 21, 1992

By James R. Peel
JAMES R. PEEL, Counsel

cc: Jessyca A. Michelson-Nygren
John Douglas Company
Sacto.
OAH
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Jen*

1 JAMES R. PEEL, Counsel
2 Department of Real Estate
3 107 South Broadway, Room 8107
4 Los Angeles, CA 90012
5 (213) 897-3937

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MAR 26 1992

DEPARTMENT OF REAL ESTATE
BY Jana B. Crane

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DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of) NO. H-25018 LA
)
JESSYCA A. MICHELSON-NYGREN) A C C U S A T I O N
aka Jessyca Aida Michelson,)
)
)
)
Respondent.)
_____)

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The Complainant, Steven J. Ellis, a Deputy Real Estate
Commissioner of the State of California, for cause of Accusation
against JESSYCA A. MICHELSON-NYGREN aka Jessyca Aida Michelson,
alleges as follows:

I

The Complainant, Steven J. Ellis, a Deputy Real Estate
Commissioner of the State of California, makes this Accusation
in his official capacity.

II

JESSYCA A. MICHELSON-NYGREN aka Jessyca Aida Michelson
(hereinafter referred to as respondent) is presently licensed

1 and/or has license rights as a real estate salesperson subject
2 to Section 10153.4 (c) of the Business and Professions Code

3 III

4 On or about October 4, 1990, respondent was issued a
5 real estate salesperson license by the Department of Real Estate
6 of the State of California, following respondent's application
7 therefor filed on or about September 24, 1990, and has
8 continuously thereafter been so licensed.

9 IV

10 In response to Question 25 of said license
11 application, to wit: "Have you ever been convicted of any
12 violation of law?", respondent marked the box denoting "No".

13 V

14 In truth, on or about January 7, 1988, in the
15 Municipal Court, County of Los Angeles, State of California,
16 respondent was convicted of the crime of violating Penal Code
17 Section 484.

18 VI

19 The crime of which respondent was convicted bears a
20 substantial relationship to the qualifications, functions or
21 duties of a real estate licensee.

22 VII

23 Respondent's failure to reveal the criminal matter
24 set forth in Paragraph V, above, in said application,
25 constitutes the procurement of a real estate license by fraud,
26 misrepresentation or deceit, or by making a material
27 misstatement of fact in said application, which is cause for

1 suspension or revocation of respondent's real estate salesperson
2 license under Sections 490 and 10177(b) of the Code.

3
4 WHEREFORE, complainant prays that a hearing be
5 conducted on the allegations of this Accusation and, that upon
6 proof thereof, a decision be rendered imposing disciplinary
7 action against all licenses and license rights of respondent
8 JESSYCA A. MICHELSON-NYGREN aka Jessyca Aida Michelson under the
9 Real Estate Law (Part 1 of Division 4 of the Business and
10 Professions Code) and for such other and further relief as may
11 be proper under other applicable provisions of law.

12 Dated at Los Angeles, California
13 this 26th day of March, 1992.


Deputy Real Estate Commissioner

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cc: Jessyca A. Michelson-Nygren
John Douglas Company
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