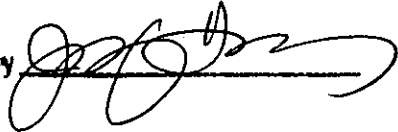


1 Department of Real Estate
2 320 W. 4th Street, Suite 350
3 Los Angeles, CA 90013-1105

4 Telephone: (213) 576-6982

FILED
FEB 15 2005

DEPARTMENT OF REAL ESTATE

By 

7 **DEPARTMENT OF REAL ESTATE**

8 **STATE OF CALIFORNIA**

9
10 *In the Matter of the Application of*

11 MICHELLE K. GONZALEZ,

12
13 Respondent

)
) No. H- 31401 LA

) L-2004110514

)
) **STIPULATION AND**
) **WAIVER**
)
)

14
15 I, MICHELLE K. GONZALEZ, respondent herein, do hereby affirm that I have applied to the
16 Department of Real Estate for a real estate salesperson license and that to the best of my knowledge I have
17 satisfied all of the statutory requirements for the issuance of the license, including the payment of the fee
18 therefor.

19 I acknowledge that I have received and read the Statement of Issues and the Statement to Respondent
20 filed by the Department of Real Estate on October 20, 2004, in connection with my application for a real
21 estate salesperson license. I understand that the Real Estate Commissioner may hold a hearing on this
22 Statement of Issues for the purpose of requiring further proof of my honesty and truthfulness and to prove
23 other allegations therein, or that he may in his discretion waive the hearing and grant me a restricted real
24 estate salesperson license based upon this Stipulation and Waiver. I also understand that by filing the
25 Statement of Issues in this matter the Real Estate Commissioner is shifting the burden to me to make a
26 satisfactory showing that I meet all the requirements for issuance of a real estate salesperson license. I
27 further understand that by entering into this stipulation and waiver I will be stipulating that the Real Estate

1 Commissioner has found that I have failed to make such a showing, thereby justifying the denial of the
2 issuance to me of an unrestricted real estate salesperson license.

3 I hereby admit that the allegations of the Statement of Issues filed against me are true and correct and
4 requests that the Real Estate Commissioner in his discretion issue a restricted real estate salesperson license
5 to me under the authority of Section 10156.5 of the Business and Professions Code. I understand that any
6 such restricted license will be issued subject to and be limited by Section 10153.4 of the Business and
7 Professions Code.

8 I am aware that by signing this Stipulation and Waiver, I am waiving my right to a hearing and the
9 opportunity to present evidence at the hearing to establish my rehabilitation in order to obtain an
10 unrestricted real estate salesperson license if this Stipulation and Waiver is accepted by the Real Estate
11 Commissioner. However, I am not waiving my right to a hearing and to further proceedings to obtain a
12 restricted or unrestricted license if this Stipulation and Waiver is not accepted by the Commissioner.

13 I further understand that the following conditions, limitations, and restrictions will attach to a
14 restricted license issued by the Department of Real Estate pursuant hereto:

- 15 1. The license shall not confer any property right in the privileges to be exercised including the
16 right of renewal, and the Real Estate Commissioner may by appropriate order suspend the right
17 to exercise any privileges granted under this restricted license in the event of:
- 18 a. The conviction of respondent (including a plea of nolo contendere) to a crime which bears a
19 substantial relationship to respondent's fitness or capacity as a real estate licensee; or
- 20 b. The receipt of evidence that respondent has violated provisions of the California Real
21 Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner, or
22 conditions attaching to this restricted license.
- 23 2. I shall not be eligible to apply for the issuance of an unrestricted real estate license nor the
24 removal of any of the conditions, limitations or restrictions attaching to the restricted license
25 until two years have elapsed from the date of issuance of the restricted license to respondent.
26
27

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

4 a. That broker has read the Statement of Issues which is the basis for the issuance of the
5 restricted license; and

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

9 4. My restricted real estate salesperson license is issued subject to the requirements of Section
10 10153.4 of the Business and Professions Code, to wit: I am required, within eighteen (18) months
11 of the issuance of the restricted license, to submit evidence satisfactory to the Commissioner of
12 successful completion, at an accredited institution, of a course in real estate practices and one of
13 the courses listed in Section 10153.2, other than real estate principles, advanced legal aspects of
14 real estate, advanced real estate finance, or advanced real estate appraisal. If I fail to timely
15 present to the Department satisfactory evidence of successful completion of the two required
16 courses, the restricted license shall be automatically suspended effective eighteen (18) months
17 after the date of its issuance. Said suspension shall not be lifted unless, prior to the expiration of
18 the restricted license, I have submitted the required evidence of course completion and the
19 Commissioner has given written notice to Respondent of the lifting of the suspension.

20 5. Pursuant to Section 10154, if I have not satisfied the requirements for an unqualified license
21 under Section 10153.4, Respondent shall not be entitled to renew the restricted license, and shall
22 not be entitled to the issuance of another license which is subject to Section 10153.4 until four
23 years after the date of the issuance of the preceding restricted license.

24 Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and
25 Waiver by faxing a copy of the signature page, as actually signed by respondent, to the Department at fax
26 number (213) 576-6917. Respondent agrees, acknowledges and understands that by electronically sending
27 to the Department a fax copy of her actual signature as it appears on the Stipulation and Waiver, that receipt

1 of the faxed copy by the Department shall be as binding on respondent as if the Department had received
2 the original signed Stipulation and Waiver.

3 1-25-05

4 Dated

Michelle K Gonzalez
MICHELLE K. GONZALEZ, Respondent

5 * * *

6 I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by
7 respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and
8 truthfulness of respondent need not be called and that it will not be inimical to the public interest to issue a
9 restricted real estate salesperson license to respondent.

10 Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to
11 respondent MICHELLE K. GONZALEZ if respondent has otherwise fulfilled all of the statutory
12 requirements for licensure. The restricted license shall be limited, conditioned, and restricted as specified in
13 the foregoing Stipulation and Waiver.

14 This Order is effective immediately.

15 IT IS SO ORDERED _____

16 _____
17 Jeff Davi
18 Real Estate Commissioner
19
20
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27

1 of the faxed copy by the Department shall be as binding on respondent as if the Department had received
2 the original signed Stipulation and Waiver.

3 1-25-05

4 Dated

Michelle K Gonzalez
MICHELLE K. GONZALEZ, Respondent

5 ***

6 I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by
7 respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and
8 truthfulness of respondent need not be called and that it will not be inimical to the public interest to issue a
9 restricted real estate salesperson license to respondent.

10 Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to
11 respondent MICHELLE K. GONZALEZ if respondent has otherwise fulfilled all of the statutory
12 requirements for licensure. The restricted license shall be limited, conditioned, and restricted as specified in
13 the foregoing Stipulation and Waiver.

14 This Order is effective immediately.

15 IT IS SO ORDERED 2-9-05

16 Jeff Davi
17 Real Estate Commissioner

BEFORE THE DEPARTMENT OF REAL ESTATE

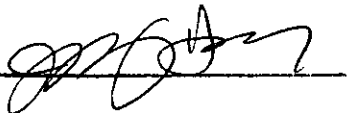
STATE OF CALIFORNIA

In the Matter of the Application of) Case No. H-31401 LA
MICHELLE K. GONZALEZ,) OAH No. L-2004110514
Respondent

FILED
DEC 13 2004
DEPARTMENT OF REAL ESTATE

NOTICE OF HEARING ON APPLICATION

To the above-named Respondent(s):

By 

You are hereby notified that a hearing will be held before the Department of Real Estate at the Office of Administrative Hearings, 320 West Fourth Street, Suite 630, Los Angeles, CA 90013-1105 on MONDAY, JANUARY 31, 2005, at the hour of 1:30 P.M., or as soon thereafter as the matter can be heard, upon the Statement of Issues served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

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.

The burden of proof is upon you to establish that you are entitled to the license or other action sought. If you are not present nor represented at the hearing, the Department may act upon your application without taking evidence.

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 and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: December 13, 2004

By 
SHANNON M. CHAMBERS
Counsel

cc: Michelle K. Gonzalez
Sacto.
OAH


50070

1 SHANNON M. CHAMBERS, Counsel (SBN 212459)
2 Department of Real Estate
3 320 West 4th Street, Suite 350
4 Los Angeles, California 90013-1105

5 Telephone: (213) 576-6982
6 (Direct) (213) 576-6916

FILED
OCT 20 2004

DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

12	In the Matter of the Application of)	NO. H-31401 LA
13	MICHELLE K. GONZALEZ)	
14)	<u>STATEMENT OF ISSUES</u>
15	Respondent.)	

16 The Complainant, Maria Suarez, a Deputy Real Estate
17 Commissioner of the State of California, for cause of Statement
18 of Issues against MICHELLE K. GONZALEZ, aka, Michelle Katharina
19 Gonzalez, aka, Michelle Esther Katharina Clever, aka, Michelle
20 Erivez, ("Respondent"), is informed and alleges as follows:

21 1.

22 The Complainant, Maria Suarez, a Deputy Real Estate
23 Commissioner of the State of California, makes this Statement
24 of Issues against Respondent in her official capacity.

25 ///

26 ///

2.

1
2 Respondent made application to the Department of Real
3 Estate of the State of California for a real estate salesperson
4 license on or about April 22, 2004, with the knowledge and
5 understanding that any license issued as a result of said
6 application would be subject to the conditions of Business and
7 Professions Code ("Code") Section 10153.4.

8
9 3.

10 (CRIMINAL CONVICTION)

11 On or around February 16, 1995, in the Municipal Court
12 of Southeast, H.P. Judicial District, County of Los Angeles,
13 State of California, in Case No. 93M00936, Respondent, MICHELLE
14 K. GONZALEZ, aka, Michelle Katharina Gonzalez, aka, Michelle
15 Esther Katharina Clever, aka, Michelle Erivez, was convicted of
16 violating California Penal Code Section 594(a) (Vandalism).
17 This is a crime involving moral turpitude which bears a
18 substantial relationship under Title 10, Chapter 6, Section
19 2910, California Code of Regulations, to the qualifications,
20 functions or duties of a real estate licensee.

21 4.

22 The crime of which Respondent was convicted, as
23 alleged herein above in Paragraph 3, constitutes cause for
24 denial of Respondent's application for a real estate license
25 under Code Sections 475(a)(2), 480(a)(1) and/or 10177(b).

26 ///

27 ///

(FAILURE TO REVEAL CONVICTION)

In response to Question 25 of her license application,
 to wit: "HAVE YOU EVER BEEN CONVICTED OF ANY VIOLATION OF LAW?
 CONVICTION EXPUNGED UNDER PENAL CODE SECTION 1203.4 MUST BE
 DISCLOSED. HOWEVER, YOU MAY OMIT MINOR TRAFFIC CITATIONS WHICH
 DO NOT CONSTITUTE A MISDEMEANOR OR FELONY OFFENSE". Respondent
 answered "No", and failed to reveal the conviction described in
 Paragraph 3 above.

Respondent's failure to reveal the conviction set
 forth herein in Paragraph 3, above, in her license application,
 constitutes, knowingly making a false statement of material fact
 required to be revealed in said application, which is grounds
 for denial of the issuance of a license under Business and
 Professions Code Sections 475(a)(1); 480(c) and 10177(a).

The Statement of Issues is brought under the
 provisions of Section 10100, Division 4 of the Business and
 Professions Code of the State of California and Sections 11500
 and 11529 of the Government Code.

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1 WHEREFORE, Complainant prays that the above entitled
2 matter be set for hearing and, upon proof of the charges
3 contained herein, that the Commissioner refuse to authorize the
4 issuance of, and deny the issuance of, a real estate salesperson
5 license to Respondent, MICHELLE K. GONZALEZ, and for such other
6 and further relief as may be proper under other provisions of
7 law.

8 Dated at Los Angeles, California

9 this 18th day of October, 2004.

10 
11 Maria Suarez
12 Deputy Real Estate Commissioner

13
14 Cc: MICHELLE K. GONZALEZ
15 Maria Suarez
16 Sacto.
17 WA
18
19
20
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27