

1 Department of Real Estate
2 P.O. Box 187007
3 Sacramento, CA 95818-7007

4 Telephone: (916) 227-0789

FILED

AUG 19 2011

DEPARTMENT OF REAL ESTATE

By *[Signature]*

9 **DEPARTMENT OF REAL ESTATE**
10 **STATE OF CALIFORNIA**

11
12 *In the Matter of the Application of*

13 MICHELLE RENEE MOZELL,
14

15 Respondent.
16

) No. H-5582 SAC

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

17 It is hereby stipulated by and between MICHELLE RENEE MOZELL (hereinafter
18 "Respondent") and the Complainant, acting by and through JASON D. LAZARK, Counsel for the
19 Department of Real Estate, as follows for the purpose of settling and disposing of the Statement of
20 Issues filed on April 18, 2011 in this matter:

21 Respondent acknowledges that Respondent has received and read the Statement of Issues and
22 the Statement to Respondent filed by the Department of Real Estate in connection with
23 Respondent's application for a real estate salesperson license. Respondent understands that the
24 Real Estate Commissioner may hold a hearing on this Statement of Issues for the purpose of
25 requiring further proof of Respondent's honesty and truthfulness and to prove other allegations
26 therein, or that she may in her discretion waive the hearing and grant Respondent a restricted real
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1 estate salesperson license based upon this Stipulation and Waiver. Respondent also understands
2 that by filing the Statement of Issues in this matter the Real Estate Commissioner is shifting the
3 burden to Respondent to make a satisfactory showing that Respondent meets all the requirements
4 for issuance of a real estate salesperson license. Respondent further understands that by entering
5 into this stipulation and waiver, Respondent will be stipulating that the Real Estate Commissioner
6 has found that Respondent has failed to make such a showing, thereby justifying the denial of the
7 issuance to Respondent of an unrestricted real estate salesperson license.

8 Respondent hereby admits that the allegations of the Statement of Issues filed against
9 Respondent are true and correct and requests that the Real Estate Commissioner in her discretion
10 issue a restricted real estate salesperson license to Respondent under the authority of Section
11 10156.5 of the Business and Professions Code.

12 Respondent is aware that by signing this Stipulation and Waiver, Respondent is waiving
13 Respondent's right to a hearing and the opportunity to present evidence at the hearing to establish
14 Respondent's rehabilitation in order to obtain an unrestricted real estate salesperson license if this
15 Stipulation and Waiver is accepted by the Real Estate Commissioner. However, Respondent is not
16 waiving Respondent's right to a hearing and to further proceedings to obtain a restricted or
17 unrestricted license if this Stipulation and Waiver is not accepted by the Commissioner.

18 Respondent further understands that the following conditions, limitations, and restrictions will
19 attach to a restricted license issued by the Department of Real Estate pursuant hereto:

- 20 1. The license shall not confer any property right in the privileges to be exercised including
21 the right of renewal, and the Real Estate Commissioner may by appropriate order suspend
22 the right to exercise any privileges granted under this restricted license in the event of:
23 a. The conviction of Respondent (including a plea of nolo contendere) to a crime which
24 bears a substantial relationship to Respondent's fitness or capacity as a real estate
25 licensee; or
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1 b. The receipt of evidence that Respondent has violated provisions of the California
2 Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate
3 Commissioner or conditions attaching to this restricted license.

4 2. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate
5 license nor the removal of any of the conditions, limitations, or restrictions attaching to
6 the restricted license until two (2) years have elapsed from the date of issuance of the
7 restricted license to Respondent.

8 3. Respondent shall notify the Commissioner in writing within 72 hours of any arrest by
9 sending a certified letter to the Commissioner at the Department of Real Estate, Post
10 Office Box 187000, Sacramento, CA 95818-7000. The letter shall set forth the date of
11 Respondent's arrest, the crime for which Respondent was arrested and the name and
12 address of the arresting law enforcement agency. Respondent's failure to timely file
13 written notice shall constitute an independent violation of the terms of the restricted
14 license and shall be grounds for the suspension or revocation of that license.

15 4. With the application for license, or with the application for transfer to a new employing
16 broker, Respondent shall submit a statement signed by the prospective employing broker
17 on a form approved by the Department of Real Estate wherein the employing broker shall
18 certify as follows:

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

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

24
25 8-3-11

26 Dated

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28 
29 JASON D. LAZARK,
30 Counsel for Department of Real Estate

I have read the Stipulation and Waiver and its terms are understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509 and 11513 of the Government Code), and I willingly, intelligently, and voluntarily waive those rights, including the right of a hearing on the Statement of Issues at which I would have the right to cross-examine witnesses against me and to present evidence in defense and mitigation of the charges.

Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and Waiver by faxing a copy of the signature page, as actually signed by Respondent, to the Department at fax number (916) 227-9458. Respondent agrees, acknowledges and understands that by electronically sending to the Department a fax copy of her actual signature as it appears on the Stipulation and Waiver, that receipt of the faxed copy by the Department shall be as binding on Respondent as if the Department had received the original signed Stipulation and Waiver.

7/28/11
Dated


MICHELLE RENEE MOZELL, Respondent

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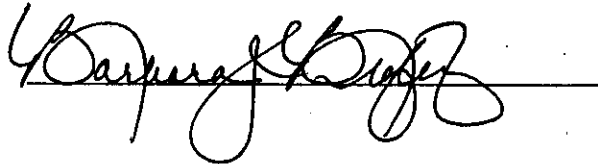
I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by Respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and truthfulness of Respondent need not be called and that it will not be inimical to the public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

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

This Order is effective immediately.

IT IS SO ORDERED 8/17/11

BARBARA J. BIGBY
Acting Real Estate Commissioner



1 Jason D. Lazark, Counsel (SBN 263714)
2 Department of Real Estate
3 P. O. Box 187007
4 Sacramento, CA 95818-7007
5 General: (916) 227-0789
6 Direct: (916) 227-0822

FILED

APR 18 2011

DEPARTMENT OF REAL ESTATE

By *[Signature]*

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of
12 MICHELLE RENEE MOZELL,
13 Respondent.

) No. H-5582 SAC

) STATEMENT OF ISSUES
)

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15 The Complainant, TRICIA D. SOMMERS, acting in her official capacity as a
16 Deputy Real Estate Commissioner of the State of California, for Statement of Issues against
17 MICHELLE RENEE MOZELL (herein "Respondent"), alleges as follows:

18 1.

19 On or about March 15, 2010, Respondent made application to the Department of
20 Real Estate of the State of California for a real estate salesperson license.

21 2.

22 On or about June 5, 2009, in the Scottsdale City Court, in the State of Arizona,
23 County of Maricopa, Case Number SC-2009003416, Respondent was convicted of violating
24 Arizona Revised Statutes section 16-352 (unlawful street sales), a misdemeanor which bears a
25 substantial relationship under section 2910, title 10, California Code of Regulations (herein "the
26 Regulations") to the qualifications, functions or duties of a real estate licensee.

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2
3 3.

4 On or about January 7, 2002, in the Scottsdale City Court, in the State of
5 Arizona, County of Maricopa, Case Number SC-200123283, Respondent was convicted of
6 violating Arizona Revised Statutes sections 28-2532 A (no current registration) and 28-3473 C
7 (driving on a suspended license), misdemeanors which bear a substantial relationship under
8 section 2910, title 10 of the Regulations to the qualifications, functions or duties of a real estate
9 licensee.

10 4.

11 Respondent's criminal convictions, as described above in Paragraphs 3 and 4,
12 constitute grounds for denial of Respondent's application for a real estate license under sections
13 480(a) and 10177(b) of the Business and Professional Code.

14 WHEREFORE, Complainant prays that the above-entitled matter be set for
15 hearing and, upon proof of the charges contained herein, that the Commissioner refuse to
16 authorize the issuance of, and deny the issuance of a real estate salesperson license to
17 Respondent, and for such other and further relief as may be proper in the premises.
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TRICIA D. SOMMERS
Deputy Real Estate Commissioner

Dated at Sacramento, California,
this 15th day of April 2011.