

1 Department of Real Estate
2 P.O. Box 137007
3 Sacramento, CA 95818-7007
4 Telephone: (916) 576-8700

FILED

APR 09 2021

DEPARTMENT OF REAL ESTATE
By K. Kropp

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 In the Matter of the Accusation of: * * *
11 MICHELE LAVERNE JACQUES,)
12 Respondent.) No. H-12432 SF
13 STIPULATION AND AGREEMENT
IN SETTLEMENT AND ORDER

14 It is hereby stipulated by and between MICHELE LAVERNE JACQUES
15 ("Respondent"), acting by and through Robert F. Hahn, Counsel for Respondent, and the
16 Complainant, acting by and through Jason D. Lazark, Counsel for the Department of Real Estate
17 ("Department"), as follows for the purpose of settling and disposing of the Accusation filed on
18 May 5, 2020, in this matter:

- 19 1. All issues which were to be contested and all evidence which was to be
20 presented by Complainant and Respondent at a formal hearing on the Accusation, which hearing
21 was to be held in accordance with the provisions of the Administrative Procedure Act ("APA"),
22 shall instead and in place thereof be submitted solely on the basis of the provisions of this
23 Stipulation and Agreement In Settlement and Order ("Stipulation and Agreement").
- 24 2. Respondent has received, read, and understands the Statement to
25 Respondent, the Discovery Provisions of the APA and the Accusation filed by the Department in
26 this proceeding.

1 3. Respondent filed a Notice of Defense pursuant to Section 11505 of the
2 Government Code for the purpose of requesting a hearing on the allegations in the Accusation.
3 Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent
4 acknowledges that Respondent will thereby waive Respondent's right to require the Real Estate
5 Commissioner ("Commissioner") to prove the allegations in the Accusation at a contested
6 hearing held in accordance with the provisions of the APA and that Respondent will waive other
7 rights afforded to Respondent in connection with the hearing such as the right to present
8 evidence in defense of the allegations in the Accusation and the right to cross-examine witnesses.

9 4. Respondent, pursuant to the limitations set forth below, hereby admits
10 that the factual allegations as set forth in the Accusation filed in this proceeding are true and
11 correct and the Commissioner shall not be required to provide further evidence of such
12 allegations.

13 5. It is understood by the parties that the Commissioner may adopt the
14 Stipulation as his Decision and Order in this matter thereby imposing the penalty and sanctions
15 on Respondent's real estate license and license rights, endorsements and endorsement rights, as
16 set forth in the below "Order." In the event that the Commissioner in his discretion does not
17 adopt the Stipulation, it shall be void and of no effect, and Respondent shall retain the right to a
18 hearing and proceeding on the Accusation under all the provisions of the APA and shall not be
19 bound by any admission or waiver made herein.

20 6. The Order or any subsequent Order of the Commissioner made pursuant to
21 this Stipulation shall not constitute an estoppel, merger, or bar to any further administrative or
22 civil proceedings by the Department with respect to any matters which were not specifically
23 alleged to be causes for accusation in this proceeding.

24 7. Respondent understands that by agreeing to this Stipulation, Respondent
25 agrees to pay, pursuant to Section 10106 of the Business and Professions Code (Code), the cost
26 of the investigation and enforcement of this case which resulted in the determination that
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1 issued to Respondent pursuant to Section 10156.5 of the Code if Respondent makes application
2 therefor and pays to the Department the appropriate fee for the restricted license and restricted
3 endorsement rights within 90 days from the effective date of this Order. The restricted license
4 and restricted endorsement rights issued to Respondent shall be subject to all of the provisions of
5 Section 10156.7 of the Code and to the following limitations, conditions and restrictions imposed
6 under authority of Section 10156.6 of that Code:

7 1. The restricted broker license and restricted endorsement rights issued to
8 Respondent may be suspended prior to hearing by Order of the Commissioner in the event of
9 Respondent's conviction or plea of nolo contendere to a crime which is substantially related to
10 Respondent's fitness or capacity as a real estate licensee.

11 2. The restricted broker license and restricted endorsement rights issued to
12 Respondent may be suspended prior to hearing by Order of the Commissioner on evidence
13 satisfactory to the Commissioner that Respondent has violated provisions of the California Real
14 Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or
15 conditions attaching to the restricted license.

16 3. Respondent shall not be eligible to apply for the issuance of an
17 unrestricted real estate broker license nor for removal of any of the conditions, limitations or
18 restrictions of a restricted broker license until three (3) years have elapsed from the effective date
19 of this Order. Respondent shall not be eligible to apply for any unrestricted licenses until all
20 restrictions attaching to the license have been removed.

21 4. Respondent shall not be eligible to apply for the issuance of an
22 unrestricted company mortgage loan originator license endorsement nor for removal of any of
23 the conditions, limitations or restrictions of a restricted company mortgage loan originator
24 license endorsement until three (3) years have elapsed from the effective date of this Order.
25 Respondent shall not be eligible to apply for any unrestricted company mortgage loan originator
26 license endorsement until all restrictions attaching to the license have been removed.

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1 5. Respondent shall not be eligible to apply for the issuance of an
2 unrestricted individual mortgage loan originator license endorsement nor for removal of any of
3 the conditions, limitations or restrictions of a restricted individual mortgage loan originator
4 license endorsement until three (3) years have elapsed from the effective date of this Order.
5 Respondent shall not be eligible to apply for any individual mortgage loan originator license
6 endorsement until all restrictions attaching to the license have been removed.

7 6. Respondent shall, within nine (9) months from the effective date of this
8 Order, present evidence satisfactory to the Commissioner that Respondent has, since the most
9 recent issuance of an original or renewal real estate license, taken and successfully completed the
10 continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal
11 of a real estate license. If Respondent fails to satisfy this condition, Respondent's real estate
12 license shall automatically be suspended until Respondent presents evidence satisfactory to the
13 Commissioner of having taken and successfully completed the continuing education
14 requirement.

15 7. Respondent shall, within nine (9) months from the issuance of the Order,
16 take and pass the Professional Responsibility Examination administered by the Department,
17 including the payment of the appropriate examination fee. All licenses and licensing rights of
18 Respondent shall be indefinitely suspended unless or until Respondent passes the examination.

19 8. Respondent shall notify the Commissioner in writing within 72 hours of
20 any arrest by sending a certified letter to the Commissioner at the Department of Real Estate,
21 Post Office Box 137000, Sacramento, CA 95813-7000. The letter shall set forth the date of
22 Respondent's arrest, the crime for which Respondent was arrested and the name and address of
23 the arresting law enforcement agency. Respondent's failure to timely file written notice shall
24 constitute an independent violation of the terms of the restricted license and shall be grounds for
25 the suspension or revocation of that license and/or endorsement.

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1 9. All licenses and licensing rights, endorsement and endorsement rights of
2 Respondent are indefinitely suspended unless or until Respondent pays the sum of \$3,233.90 for
3 the Commissioner's reasonable cost of the investigation and enforcement which led to this
4 disciplinary action in this matter. Said payment shall be in the form of a cashier's check made
5 payable to the Department of Real Estate. The investigative and enforcement costs must be
6 delivered to the Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA
7 95813-7013, prior to the effective date of this Stipulation.

8 10. Pursuant to Section 10148 of the Code, Respondent shall pay the sum of
9 \$8,775.92 for the Commissioner's cost of the audit(s) which led to this disciplinary action.
10 Respondent shall pay such cost within sixty (60) days of receiving an invoice therefore from the
11 Commissioner. Payment of audit costs should not be made until Respondent receives the
12 invoice. If Respondent fails to satisfy this condition in a timely manner as provided for herein.
13 Respondent's real estate license and real estate endorsement rights shall automatically be
14 suspended until payment is made in full, or until a decision providing otherwise is adopted
15 following a hearing held pursuant to this condition.

16 11. Pursuant to Section 10148 of the Code, Respondent shall pay the
17 Commissioner's reasonable cost, not to exceed \$10,969.90, for an audit to determine if
18 Respondent has corrected the violation(s) found in the Determination of Issues. In calculating
19 the amount of the Commissioner's reasonable cost, the Commissioner may use the estimated
20 average hourly salary for all persons performing audits of real estate brokers, and shall include
21 an allocation for travel time to and from the auditor's place of work. Respondent shall pay such
22 cost within sixty (60) days of receiving an invoice therefore from the Commissioner. Payment of
23 the audit costs should not be made until Respondent receives the invoice.

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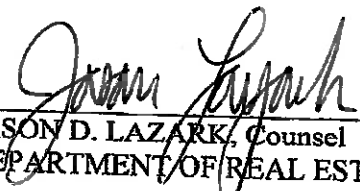
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1 If Respondent fails to satisfy this condition in a timely manner as provided for
2 herein. Respondent's real estate license and real estate endorsements shall automatically be
3 suspended until payment is made in full, or until a decision providing otherwise is adopted
4 following a hearing held pursuant to this condition.

5
6 1/11/21
7 DATED

8 
9 JASON D. LAZARK, Counsel
10 DEPARTMENT OF REAL ESTATE

11 * * *

12 I have read the Stipulation and Agreement and its terms are understood by me
13 and are agreeable and acceptable to me. I understand that I am waiving rights given to me by
14 the APA (including but not limited to Sections 11506, 11508, 11509, and 11513 of the
15 Government Code), and I willingly, intelligently, and voluntarily waive those rights, including
16 the right of requiring the Commissioner to prove the allegations in the Accusation at a hearing
17 at which I would have the right to cross-examine witnesses against me and to present evidence
18 in defense and mitigation of the charges. I further agree to mail the original Stipulation no later
19 than five days after signing it to: Department of Real Estate, Legal Section, P.O. Box 137007,
20 Sacramento, California 95813-7007. I understand that failure to mail the original back may
21 result in this matter going to hearing.

22 12-29-2020
23 DATED

24 
25 MICHELE LAVERNE JACQUES
26 Respondent

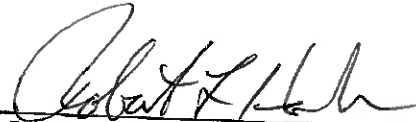
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I have reviewed the Stipulation and Agreement as to form and content and have advised my clients accordingly.

1-8-21

DATED



ROBERT F. HAHN,
Attorney for Respondent,
MICHELE LAVERNE JACQUES

The foregoing Stipulation and Agreement is hereby adopted by the Real Estate Commissioner as his Decision and Order and shall become effective at 12 o'clock noon on

APR 30 2021

IT IS SO ORDERED

3.9.21

REAL ESTATE COMMISSIONER


DOUGLAS R. McCAULEY