

FILED

DEC 11 2023

DEPARTMENT OF REAL ESTATE

By B. Nicholas

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of;)
MICHELE LAVERNE JACQUES,) DRE No. H-12651 SF
Respondent.)

DECISION

This Decision is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on November 9, 2023, and the Findings of Fact set forth herein, which are based on one or more of the following: (1) The express admissions of Respondent, MICHELE LAVERNE JACQUES ("Respondent"); (2) affidavits; and (3) other evidence.

This Decision revokes one or more real estate licenses on the grounds of the violation of the Real Estate Law, Part 1 commencing with Section 10000 of the Business and Professions Code ("Code") and/or the Regulations of the Real Estate Commissioner, Title 10, Chapter 6 of the California Code of Regulations ("Regulations").

Pursuant to Government Code Section 11521, the California Department of Real Estate ("the Department") may order reconsideration of this Decision on petition of any party. The party seeking reconsideration shall set forth new facts, circumstances, and evidence, or errors in law or analysis, that show(s) grounds and good cause for the Commissioner to reconsider the Decision. If new evidence is presented, the party shall specifically identify the new evidence and explain why it was not previously presented. The Department's power to order reconsideration of this Decision shall expire 30 days after mailing of this Decision, or on the effective date of this Decision, whichever occurs first. The right to reinstatement of a revoked real estate license, or to the reduction of a penalty, is controlled by Section 11522 of the Government Code. A copy of Government Code Sections 11521 and 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of respondent.

FINDINGS OF FACT

1.

On June 23, 2022, Stephanie Yee made the Accusation in her official capacity as a Supervising Special Investigator of the Department. The Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified mail, return receipt requested, to Respondent's last known mailing address on file with the Department on July 11, 2023.

On October 3, 2023, Respondent filed a Notice of Defense. On November 8, 2023, Respondent withdrew her Notice of Defense. On November 9, 2023, Respondent's default was entered herein.

2.

Respondent is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the Code as a restricted real estate broker.

3.

At all times mentioned, Respondent held a restricted company mortgage loan originator license with Nationwide Mortgage Licensing System and Registry ("NMLS"), identification number 1195299. At all times mentioned, Respondent held a restricted individual mortgage loan originator license with NMLS, identification number 1152062.

4.

At all times mentioned herein, Respondent engaged in the business of, acted in the capacity of, advertised, or assumed to act as real estate licensees, in the State of California, on behalf of others, for compensation or in expectation of compensation, within the meaning of:

Section 10131(a) of the Code, including the operation and conduct of a real estate resale brokerage with the public, wherein, on behalf of others, for compensation or in expectation of compensation, Respondent sold and offered to sell, bought and offered to buy, solicited prospective sellers and purchasers of, solicited and obtained listings of, and negotiated the purchase and resale of real property;

Section 10131(d) of the Code, including the operation and conduct of real estate business with the public wherein Respondent solicited borrowers or lenders for or negotiated loans or collected payment or performed services for borrowers or lenders or note owners in connection with loans secured directly or collaterally by liens on real property or on a business opportunity;

Section 10131(e) of the Code, including the operation and conduct of real estate business with the public wherein Respondent sold, bought, or offered to buy, exchanged or offered to exchange real property sales contracts, and/or promissory notes secured directly or collaterally by liens on real property or on business opportunities, and performed services for the holders thereof; and/or

Section 10131.1 of the Code, including the operation and conduct of a real estate business with the public wherein Respondent engaged as a principal in the business of making loans or buying from, selling to, or exchanging with the public, real property sales contracts or promissory notes secured directly or collaterally by liens on real property, or who made agreements with the public for the collection of payments or for the performance of services in connection with real property sales contracts or promissory notes secured directly or collaterally by liens on real property.

5.

Attached as Exhibit "A" is a true and correct copy of the Accusation filed on July 11, 2023, which is incorporated herein as part of this Decision.

DETERMINATION OF ISSUES

6.

The allegations contained in Count One of the Accusation, incorporated herein by reference made in Paragraph 5, above, constitute cause for the suspension or revocation of all the licenses, license endorsements, and license rights of Respondent under the provisions of Section 10240 of the Code in conjunction with Sections 10177(d) and 10177(g) of the Code.

7.

The allegations contained in Count Two of the Accusation, incorporated herein by reference made in Paragraph 5, above, constitute cause for the suspension or revocation of all the licenses, license endorsements, and license rights of Respondent under the provisions of Section 35830 of the Health and Safety Code and Section 7114 of Title 21 of the Regulations in conjunction with Section 10177(g) of the Code.

8.

The allegations contained in Count Three of the Accusation, incorporated herein by reference made in Paragraph 5, above, constitute cause for the suspension or revocation of all the licenses, license endorsements, and license rights of Respondent under the provisions of Section 10232.3(b) of Code in conjunction with Sections 10177(d) and 10177(g) of the Code.

9.

The allegations contained in Count Four of the Accusation, incorporated herein by reference made in Paragraph 5, above, constitute cause for the suspension or revocation of all the licenses, license endorsements, and license rights of Respondent under the provisions of Section 10232.4 of Code in conjunction with Sections 10177(d) and 10177(g) of the Code.

10.

The allegations contained in Count Five of the Accusation, incorporated herein by reference made in Paragraph 5, above, constitute cause for the suspension or revocation of all the

licenses, license endorsements, and license rights of Respondent under the provisions of Section 10232(e) of Code in conjunction with Sections 10177(d) and 10177(g) of the Code.

11.

The allegations contained in Count Six of the Accusation, incorporated herein by reference made in Paragraph 5, above, constitute cause for the suspension or revocation of all the licenses, license endorsements, and license rights of Respondent under the provisions of Section 10232.25 of Code in conjunction with Sections 10177(d) and 10177(g) of the Code.

12.

The allegations contained in Count Seven of the Accusation, incorporated herein by reference made in Paragraph 5, above, constitute cause for the suspension or revocation of all the licenses, license endorsements, and license rights of Respondent under the provisions of Section 10232.2(b) of Code in conjunction with Sections 10177(d) and 10177(g) of the Code.

13.

The allegations contained in Count Eight of the Accusation, incorporated herein by reference made in Paragraph 5, above, constitute cause for the suspension or revocation of all the licenses, license endorsements, and license rights of Respondent under the provisions of Section 10232.2 of Code in conjunction with Sections 10177(d) and 10177(g) of the Code.

14.

The allegations contained in Count Nine of the Accusation, incorporated herein by reference made in Paragraph 5, above, constitute cause for the suspension or revocation of all the licenses, license endorsements, and license rights of Respondent under the provisions of Section 10232.45 of Code in conjunction with Sections 10177(d) and 10177(g) of the Code.

15.

The allegations contained in Count Ten of the Accusation, incorporated herein by reference made in Paragraph 5, above, constitute cause for the suspension or revocation of all the licenses, license endorsements, and license rights of Respondent under the provisions of Sections 10176(d), 10177(d) and 10177(g) of the Code.

16.

The allegations contained in Count Eleven of the Accusation, incorporated herein by reference made in Paragraph 5, above, constitute cause for the suspension or revocation of all the licenses, license endorsements, and license rights of Respondent under the provisions of Section 10159.5 of Code and Section 2731 of the Regulations in conjunction with Sections 10177(d) and 10177(g) of the Code.

17.

The standard of proof applied was clear and convincing evidence to a reasonable certainty.

ORDER

All licenses and licensing rights of Respondent MICHELE LAVERNE JACQUES under the provisions of Part I of Division 4 of the Business and Professions Code are revoked.

The individual and company Mortgage Loan Originator License Endorsements issued to Respondent MICHELE LAVERNE JACQUES under the provisions of Part I of Division 4 of the Business and Professions Code is revoked.

This Decision shall become effective at 12 o'clock noon on JAN 02 2024

DATED: 12/5/2023

DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER



1 Department of Real Estate
2 1651 Exposition, Blvd.
3 Sacramento, CA, 95815

FILED

NOV 09 2023

DEPARTMENT OF REAL ESTATE
By B. Nicholas

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9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of:) DRE NO. ***H-12651 SF***
12)
12 MICHELE LAVERNE JACQUES,) DEFAULT ORDER
13)
13 Respondent.)
14)

15 Respondent MICHELE LAVERNE JACQUES, having failed to file a Notice
16 of Defense within the time required by Section 11506 of the Government Code, is now in
17 default. It is, therefore, ordered that a default be entered on the record in this matter.

18 IT IS SO ORDERED NOVEMBER 09, 2023.

19 DOUGLAS R. McCAULEY
20 REAL ESTATE COMMISSIONER

21
22 By: CS
23 CHIKA SUNQUIST
24 Assistant Commissioner, Enforcement
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26
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