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MUSTARD, MICHELLE RENE
ID# 01 42 92 74

H-31820 LA

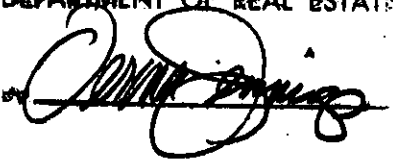
FLAGGED---4-12-05

RE SALES DENIED---5-4-05

(Right to Restricted license onT/C)

RES RE SALES LIC ISSD---6-11-05 EXPS---6-10-09
RES RE SALES LIC ISSD---6-11-09 EXPS---6-10-13

1 Department of Real Estate
2 320 W. 4th Street, Suite 350
3 Los Angeles, CA 90013-1105
4 Telephone: (213) 576-6982

FILED
MAY 27 2005
DEPARTMENT OF REAL ESTATE


7 **DEPARTMENT OF REAL ESTATE**
8 **STATE OF CALIFORNIA**

9
10 *In the Matter of the Application of*) No. H- 31820 LA
11)
12 MICHELLE RENE MUSTARD,) **STIPULATION AND**
13) **WAIVER**
14 Respondent)

15 I, MICHELLE RENE MUSTARD, 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 April 12, 2005, in connection with my application for a real estate
21 salesperson license. I understand that the Real Estate Commissioner may hold a hearing on this Statement of
22 Issues for the purpose of requiring further proof of my honesty and truthfulness and to prove other
23 allegations therein, or that he may in his discretion waive the hearing and grant me a restricted real estate
24 salesperson license based upon this Stipulation and Waiver. I also understand that by filing the Statement of
25 Issues in this matter the Real Estate Commissioner is shifting the burden to me to make a satisfactory
26 showing that I meet all the requirements for issuance of a real estate salesperson license. I further
27 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)
11 months of the issuance of the restricted license, to submit evidence satisfactory to the
12 Commissioner of successful completion, at an accredited institution, of
13 a course in real estate practices and one of the courses listed in Section 10153.2, other than real
14 estate principles, advanced legal aspects of real estate, advanced real estate finance, or advanced
15 real estate appraisal. If I fail to timely present to the Department satisfactory evidence of
16 successful completion of the two required courses, the restricted license shall be automatically
17 suspended effective eighteen (18) months after the date of its issuance. Said suspension shall not
18 be lifted unless, prior to the expiration of the restricted license, I have submitted the required
19 evidence of course completion and the Commissioner has given written notice to Respondent of
20 the lifting of the suspension.

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

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

1 to the Department a fax copy of her actual signature as it appears on the Stipulation and Waiver, that receipt
 2 of the faxed copy by the Department shall be as binding on respondent as if the Department had received
 3 the original signed Stipulation and Waiver.

4 4-13-05

Dated

Michelle R. Mustard

MICHELLE RENE MUSTARD, 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 RENE MUSTARD 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 _____

17 _____
 18 Jeff Davi
 19 Real Estate Commissioner

1 to the Department a fax copy of her actual signature as it appears on the Stipulation and Waiver, that receipt
2 of the faxed copy by the Department shall be as binding on respondent as if the Department had received
3 the original signed Stipulation and Waiver.

4 _____
5 Dated MICHELLE RENE MUSTARD, Respondent


6 * * *

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

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

15 This Order is effective immediately.

16 IT IS SO ORDERED 5-4-08

17 
18 _____
19 Jeff Davi
20 Real Estate Commissioner

Handwritten initials: JRP, 4/12/05

1 JAMES R. PEEL, Counsel (SBN 47055)
2 Department of Real Estate
3 320 West Fourth Street, Ste. 350
4 Los Angeles, California 90013-1105
5 Telephone: (213) 576-6982
6 -or- (213) 576-6913 (Direct)
7

FILED
APR 12 2005
DEPARTMENT OF REAL ESTATE
[Handwritten Signature]

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of) No. H-31820 LA
12 MICHELLE RENE MUSTARD,) STATEMENT OF ISSUES
13 Respondent.)
14

15 The Complainant, Janice A. Waddell, a Deputy Real
16 Estate Commissioner of the State of California, for Statement of
17 Issues against MICHELLE RENE MUSTARD (Respondent) is informed and
18 alleges in her official capacity as follows:

19 I

20 On or about April 12, 2004, Respondent applied to the
21 Department of Real Estate of the State of California for a real
22 estate salesperson license with the knowledge and understanding
23 that any license issued as a result of that application would be
24 subject to the conditions of Section 10153.4 of the Business and
25 Professions Code (hereinafter "Code").

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27 ///

CRIMINAL CONVICTIONS

II

On or about January 10, 2001, in the Superior Court of California, County of Riverside, in Case No. RIF095071, Respondent was convicted of violating Health and Safety Code Section 11377(a) (Possession Controlled Substances), a felony.

III

On or about June 2, 1999, in the Superior Court of California, County of Riverside, in Case No. RIF086364, Respondent was convicted of violating Health and Safety Code Section 11377(a) (Possession Controlled Substances), a felony.

IV

On or about September 11, 1998, in the District Court, Adams County, State of Colorado, in Case No. CR 002829, Respondent was convicted of violating Colorado Statute Number 18-18-405(2)(c)(I) (Controlled Substance-Possession) and 18-2-101(5) (Criminal Attempt: Other Felon).

V

The matters described in Paragraphs II through IV, above, involve moral turpitude and are substantially related to the functions, duties and responsibilities of a real estate licensee.

VI

The matters described in Paragraphs II through IV, above, constitute cause for the denial of Respondent's application for a real estate salesperson license under Code Section 480(a) and/or 10177(b).

1 The Statement of Issues is brought under the provisions
2 of Section 10100, Division 4 of the Business and Professions Code
3 of the State of California and Sections 11500 through 11528 of
4 the Government Code.

5 WHEREFORE, the Complainant prays that the above-
6 entitled matter be set for hearing and, upon proof of the charges
7 contained herein, that the Commissioner refuse to authorize the
8 issuance of, and deny the issuance of, a real estate salesperson
9 license to Respondent MICHELLE RENE MUSTARD and for such other
10 and further relief as may be proper in the premises.

11 Dated at Los Angeles, California,

12 this 12 day of April, 2005.

13
14
15 
16 JANICE A. WADDELL
17 Deputy Real Estate Commissioner
18
19
20
21
22
23

24 cc: Michelle Rene Mustard
25 Maria Suarez
26 Sacto.
27 LF