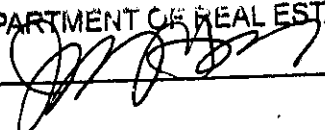


1 Department of Real Estate
2 320 West 4th Street, Suite 350
3 Los Angeles, CA 90013-1105

4 Telephone: (213) 576-6982

FILED

JAN 10 2008

DEPARTMENT OF REAL ESTATE
BY: 

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) NO. H-34013 LA
12 MICHELLE TAMESA MACK,) L-2007070474
13 Respondent.) STIPULATION AND AGREEMENT

14
15
16 It is hereby stipulated by and between MICHELLE TAMESA
17 MACK, (sometimes referred to as "Respondent"), and Respondent's
18 attorney, Frank M. Buda, and the Complainant, acting by and
19 through Cheryl D. Keily, Counsel for the Department of Real
20 Estate, as follows for the purpose of settling and disposing of
21 the Accusation filed on May 30, 2007, in this matter.

22 1. All issues which were to be contested and all
23 evidence which was to be presented by Complainant and Respondent
24 at a formal hearing on the Accusation, which hearing was to be
25 held in accordance with the provisions of the Administrative
26 Procedure Act (APA), shall instead and in place thereof be
27 submitted solely on the basis of the provisions of this
Stipulation and Agreement.

1 2. Respondent has received, read and understands the
2 Statement to Respondent, the Discovery Provisions of the APA and
3 the Accusation filed by the Department of Real Estate
4 ("Department") in this proceeding.

5 3. On June 13, 2007, Respondent filed a Notice of
6 Defense, pursuant to Section 11506 of the Government Code for
7 the purpose of requesting a hearing on the allegations in the
8 Accusation. Respondent hereby freely and voluntarily withdraws
9 said Notice of Defense. Respondent acknowledges that she
10 understands that by withdrawing said Notice of Defense she will
11 thereby waive her right to require the Commissioner to prove the
12 allegations in the Accusation at a contested hearing held in
13 accordance with the provisions of the APA and that she will
14 waive other rights afforded to her in connection with the
15 hearing, such as the right to present evidence in defense of the
16 allegations in the Accusation and the right to cross-examine
17 witnesses.

18 4. Respondent, pursuant to the limitations set forth
19 below, hereby admits that the factual allegations set forth in
20 the Accusation filed in this proceeding are true and correct and
21 the Real Estate Commissioner shall not be required to provide
22 further evidence of such allegations.

23 5. It is understood by the parties that the Real
24 Estate Commissioner may adopt the Stipulation and Agreement as
25 his decision in this matter, thereby imposing the penalty and
26 sanctions on Respondent's real estate licenses and license
27 rights as set forth in the below "Order". In the event that

1 the Commissioner in his discretion does not adopt the
2 Stipulation and Agreement, it shall be void and of no effect,
3 and Respondent shall retain the right to a hearing and
4 proceeding on the Accusation under all the provisions of the
5 APA and shall not be bound by any admission or waiver made
6 herein.

7 6. The Order or any subsequent Order of the Real
8 Estate Commissioner made pursuant to this Stipulation and
9 Agreement shall not constitute an estoppel, merger or bar to any
10 further administrative or civil proceedings by the Department of
11 Real Estate with respect to any matters which were not
12 specifically alleged to be causes for accusation in this
13 proceeding.

14 DETERMINATION OF ISSUES

15 By reason of the foregoing stipulations, admissions
16 and waivers and solely for the purpose of settlement of the
17 pending Accusation without a hearing, it is stipulated and
18 agreed that the following determination of issues shall be made:

19 The Conduct of Respondent, as described in the
20 Accusation, are grounds for the suspension or revocation of all
21 of the real estate licenses and license rights of Respondent
22 under the provisions of Sections 490 and 10177(b) of the
23 Business and Professions Code.

24 ORDER

25 WHEREFORE, THE FOLLOWING ORDER is hereby made:

26 ALL licenses and licensing rights of Respondent
27 MICHELLE TAMESA MACK, under the Real Estate Law are revoked;

1 provided, however, a restricted real estate salesperson license
2 shall be issued to Respondent pursuant to Section 10156.5 of the
3 Code if Respondent makes application therefor and pays to the
4 Department the appropriate fee for the restricted license within
5 90 days from the effective date of this Decision.

6 The Restricted license issued to Respondent shall be
7 subject to all of the provisions of Section 10156.7 of the Code
8 and to the following conditions, limitations and restrictions
9 imposed under the authority of Section 10156.6 of the Code:

10 1. The restricted license issued to Respondent may be
11 suspended prior to hearing by Order of the Commissioner in the
12 event of Respondent's conviction or plea of nolo contendere to a
13 crime which is substantially related to Respondent's fitness or
14 capacity as a real estate salesperson licensee.

15 2. The restricted license issued to Respondent may be
16 suspended prior to hearing by Order of the Commissioner on
17 evidence satisfactory to the Commissioner that Respondent has
18 violated provisions of the Real Estate law, the Subdivided Lands
19 Law, Regulations of the Real Estate Commissioner or conditions
20 attaching to the restricted license.

21 3. Respondent shall not be eligible to apply for
22 issuance of an unrestricted real estate salesperson license nor
23 for the removal of any of the conditions, limitations or
24 restrictions of a restricted license until two (2) years have
25 elapsed from the effective date of this Decision.

26 4. Respondent shall submit with any application for
27 license under an employing broker, or any application for

1 transfer to a new employing broker, a statement signed by the
2 prospective employing real estate broker, on a form approved by
3 the Department, which shall certify:

4 (a) That the employing broker has read the Decision
5 of the Commissioner which granted the right to a restricted
6 license; and

7 (b) That the employing broker will exercise close
8 supervision over the performance by the restricted licensee
9 relating to activities for which a real estate salesperson
10 license is required.

11 5. Respondent shall, within nine (9) months from the
12 effective date of this Decision, present evidence satisfactory
13 to the Commissioner that Respondent has, since the most recent
14 issuance of an original or renewal real estate salesperson
15 license, taken and successfully completed the continuing
16 education requirements of Article 2.5 of Chapter 3 of the Real
17 Estate Law for renewal of a real estate salesperson license. If
18 Respondent fails to satisfy this condition, the Commissioner may
19 order the suspension of the restricted license until Respondent
20 presents such evidence. The Commissioner shall afford
21 Respondent the opportunity for a hearing pursuant to the APA to
22 present such evidence.

23
24 DATED: 11/30/07

Cheryl D. Keily
CHERYL D. KEILY, Counsel
DEPARTMENT OF REAL ESTATE

26 ///

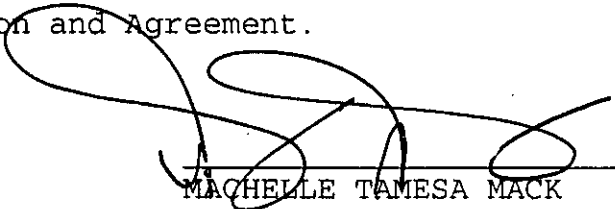
27 ///

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2 * * *

3 I have read the Stipulation and Agreement, and its
4 terms are understood by me and are agreeable and acceptable to
5 me. I understand that I am waiving rights given to me by the
6 California Administrative Procedure Act (including but not
7 limited to Sections 11506, 11508, 11509 and 11513 of the
8 Government Code), and I willingly, intelligently and voluntarily
9 waive those rights, including the right of requiring the
10 Commissioner to prove the allegations in the Accusation at a
11 hearing at which I would have the right to cross-examine
12 witnesses against me and to present evidence in defense and
13 mitigation of the charges.

14 Respondent can signify acceptance and approval of the
15 terms and conditions of this Stipulation and Agreement by faxing
16 a copy of its signature page, as actually signed by Respondent,
17 to the Department at the following telephone/fax number (213)
18 576-6917. Respondent agrees, acknowledges, and understands that
19 by electronically sending to the Department a fax copy of his
20 actual signature as it appears on the Stipulation and Agreement,
21 that receipt of the faxed copy by the Department shall be as
22 binding on Respondent as if the Department had received the
23 original signed Stipulation and Agreement.

24
25 DATED: 11/30/07


26 MICHELLE TAMESA MACK
27 Respondent

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

1
2 DATED:

11-26-07

Frank M. Buda

Frank M. Buda
Attorney for Respondent

3
4 * * *

5 The foregoing Stipulation and Agreement is hereby
6 adopted as my Decision in this matter and shall become effective
7 at 12 o'clock noon on _____, 2007.

8 IT IS SO ORDERED _____, 2007.

9
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11 _____
12 JEFF DAVI
13 Real Estate Commissioner
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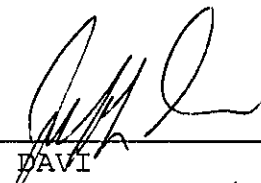
1
2 DATED: _____

3 Frank M. Buda
4 Attorney for Respondent

5 * * *

6 The foregoing Stipulation and Agreement is hereby
7 adopted as my Decision in this matter and shall become effective
8 at 12 o'clock noon on January 30, 2008.

9 IT IS SO ORDERED 1-2, 2008.

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11 
12 _____
13 JEFF DAVI
14 Real Estate Commissioner
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72929
CHERYL D. KEILY, Counsel (SBN 94008)
Department of Real Estate
320 West 4th Street, Suite 350
Los Angeles, California 90013-1105

Telephone: (213) 576-6982
(Direct) (213) 576-5770

FILED

MAY 30 2007

DEPARTMENT OF REAL ESTATE

BY: 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H- 34013 LA
MICHELLE TAMESA MACK,)	<u>A C C U S A T I O N</u>
Respondent.)	

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against MICHELLE TAMESA MACK, aka Michelle T. Mack, aka Michelle Mack, ("Respondent") alleges as follows:

1.

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, makes this Accusation in her official capacity.

2.

Respondent is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the

1 California Business and Professions Code ("Code"), as a real
2 estate salesperson.

3 3.

4 (CRIMINAL CONVICTION)

5 On or about March 21, 2006, in the Superior Court for
6 the State of California, County of San Bernardino, in Case No.
7 FCH06836, Respondent was convicted of violating California
8 Health & Safety Code Section 11366.5(a) (Allowing Place for
9 Preparing or Storing Controlled Substance), a felony. The
10 underlying facts of this crime involve moral turpitude, which
11 bear a substantial relationship under Section 2910, Title 10,
12 Chapter 6, California Code of Regulations to the qualifications,
13 functions or duties of a real estate licensee.

14 4.

15 The crime of which Respondent was convicted, as
16 described in Paragraph 3, above, constitutes cause under
17 Sections 490 and 10177(b) of the Code for the suspension or
18 revocation of the license and license rights of Respondent under
19 the Real Estate Law.
20

21 ///

22 ///

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1 WHEREFORE, Complainant prays that a hearing be
2 conducted on the allegations of this Accusation and that upon
3 proof thereof, a decision be rendered imposing disciplinary
4 action against all the licenses and license rights of
5 Respondent, MICHELLE TAMESA MACK, under the Real Estate Law
6 (Part 1 of Division 4 of the Business and Professions Code) and
7 for such other and further relief as may be proper under other
8 applicable provisions of law.
9

10 Dated at Los Angeles, California

11 this 24th day of May, 2007.
12

13
14 
15 Maria Suarez
16 Deputy Real Estate Commissioner
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25 cc: MICHELLE TAMESA MACK
26 Gary Lee Scotton
27 Maria Suarez
Sacto.