

FILED
APR 20 2009
DEPARTMENT OF REAL ESTATE

By Jenna B. Stone

No. H- 35438 LA

STIPULATION AND WAIVER

Respondent acknowledges that Respondent has received and read the Statement of Issues and the Statement to Respondent filed by the Department of Real Estate in connection with Respondent's application for a real estate salesperson license. Respondent understands that the Real Estate Commissioner may hold a hearing on this Statement of Issues for the purpose of requiring further proof of Respondent's honesty and truthfulness and to prove other allegations therein, or that he may in his discretion waive the hearing and grant Respondent a restricted real estate salesperson license based upon this Stipulation and Waiver. Respondent also understands that by filing the Statement of Issues in this matter the Real Estate Commissioner is shifting the burden to Respondent to make a satisfactory showing that Respondent meets all the requirements for issuance of a real estate salesperson license. Respondent further understands that by

1 entering into this stipulation and waiver Respondent will be stipulating that the Real Estate Commissioner
2 has found that Respondent has failed to make such a showing, thereby justifying the denial of the issuance
3 to Respondent of an unrestricted real estate salesperson license.

4 Respondent hereby admits that the allegations of the Statement of Issues filed against Respondent are
5 true and correct and requests that the Real Estate Commissioner in his discretion issue a restricted real
6 estate salesperson license to Respondent under the authority of Section 10156.5 of the Business and
7 Professions Code. Respondent understands that any such restricted license will be issued subject to and be
8 limited by Section 10153.4 of the Business and Professions Code.

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

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

- 17 1. The license shall not confer any property right in the privileges to be exercised including the
18 right of renewal, and the Real Estate Commissioner may by appropriate order suspend the right
19 to exercise any privileges granted under this restricted license in the event of:
 - 20 a. The conviction of Respondent (including a plea of nolo contendere) to a crime which bears
21 a substantial relationship to Respondent's fitness or capacity as a real estate licensee; or
 - 22 b. The receipt of evidence that Respondent has violated provisions of the California Real
23 Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner, or
24 conditions attaching to this restricted license.
- 25 2. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license
26 nor the removal of any of the conditions, limitations or restrictions attaching to the restricted
27

1 license until two years have elapsed from the date of issuance of the restricted license to
2 Respondent.

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

- 7 a. That broker has read the Statement of Issues which is the basis for the issuance of the
8 restricted license; and
9 b. That broker will carefully review all transaction documents prepared by the restricted
10 licensee and otherwise exercise close supervision over the licensee's performance of acts
11 for which a license is required.

- 12 4. Respondent's restricted real estate salesperson license is issued subject to the requirements of
13 Section 10153.4 of the Business and Professions Code, to wit: Respondent is required, within
14 eighteen (18) months of the issuance of the restricted license, to submit evidence satisfactory to
15 the Commissioner of successful completion, at an accredited institution, of two of the courses
16 listed in Section 10153.2, other than real estate principles, advanced legal aspects of real estate,
17 advanced real estate finance, or advanced real estate appraisal. If Respondent fails to timely
18 present to the Department satisfactory evidence of successful completion of the two required
19 courses, the restricted license shall be automatically suspended effective eighteen (18) months
20 after the date of its issuance. Said suspension shall not be lifted unless, prior to the expiration of
21 the restricted license, Respondent has submitted the required evidence of course completion and
22 the Commissioner has given written notice to Respondent of the lifting of the suspension.

- 23 5. Pursuant to Section 10154, if Respondent has not satisfied the requirements for an unqualified
24 license under Section 10153.4, Respondent shall not be entitled to renew the restricted license,
25 and shall not be entitled to the issuance of another license which is subject to Section 10153.4
26 until four years after the date of the issuance of the preceding restricted license.
27

3/24/09

Dated


James A. Dennis, Counsel, Department of Real Estate

I have read the Stipulation and Waiver, have discussed it with my counsel, 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 (213) 576-6917. 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.

1/28/2009

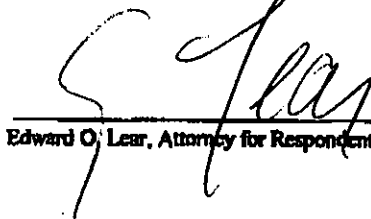
Dated


Michelle Renee Russell, Respondent

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

1/29/09

Dated


Edward O. Lear, Attorney for Respondent

1
2 Dated

James A. Demus, Counsel, Department of Real Estate

3 * * *

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

10 Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and
11 Waiver by faxing a copy of the signature page, as actually signed by respondent, to the Department at fax
12 number (213) 576-6917. Respondent agrees, acknowledges and understands that by electronically sending
13 to the Department a fax copy of her actual signature as it appears on the Stipulation and Waiver, that receipt
14 of the faxed copy by the Department shall be as binding on Respondent as if the Department had received
15 the original signed Stipulation and Waiver.

16 1/28/2009

17 Dated

Michelle Renee Russell

Michelle Renee Russell, Respondent

18 *I have reviewed the Stipulation and Waiver as to form and content and have advised my client*
19 *accordingly.*

20 Dated

Edward O. Lear, Attorney for Respondent

3/24/09

Dated

James A. Demus

James A. Demus, Counsel, Department of Real Estate

I have read the Stipulation and Waiver, have discussed it with my counsel, 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.

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Dated

Michelle Renee Russell, Respondent

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

Dated

Edward O. Lear, Attorney for Respondent

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 4-8-09

Jeff Davi
Real Estate Commissioner

1 JAMES DEMUS, Counsel (SBN 225005)
2 Department of Real Estate
3 320 West 4th Street, Suite 350
4 Los Angeles, California 90013-1105

5 Telephone: (213) 576-6982
6 (Direct) (213) 576-6910

FILED
NOV - 3 2008
DEPARTMENT OF REAL ESTATE

By James B. Demus

7
8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of) NO. H-35438 LA
12)
13 MICHELLE RENEE RUSSELL,) STATEMENT OF ISSUES
14)
15 Respondent.)

16 The Complainant, Robin Trujillo, a Deputy Real Estate
17 Commissioner of the State of California, for Statement of Issues
18 against MICHELLE RENEE RUSSELL, a.k.a. Michelle Vowell,
19 ("Respondent"), is informed and alleges in her official capacity
20 as follows:

21 1.

22 On or about September 10, 2007, Respondent made
23 application to the Department of Real Estate of the State of
24 California for a real estate salesperson license with the
25 knowledge and understanding that any license issued as a result
26 of said application would be subject to the conditions of
27 Section 10153.4 of the California Business and Professions Code.

1 2.

2 On or about June 2, 2000, Respondent was convicted in
3 the San Bernardino County Municipal Court District, Victorville
4 Division, State of California, Case No. FVI08512, for violating
5 California Health and Safety Code Section 11366.5(a) (allowing
6 place for preparing or storing controlled substance), a felony.
7 Said crime bears a substantial relationship under Section 2910,
8 Title 10, Chapter 6, California Code of Regulations, to the
9 qualifications, functions or duties of a real estate licensee.

10 3.

11 In aggravation, on or about September 20, 2000,
12 Respondent was convicted in the Superior Court of California,
13 County of San Bernardino, Rancho Cucamonga Division, Case No.
14 MWV 060344, for violating California Penal Code Section
15 415(disturbing the peace), a misdemeanor.

16 4.

17 On or about December 20, 2000, Respondent was
18 convicted in the Superior Court of California, County of San
19 Bernardino, Victorville Division, Case No. FVI012682, for
20 violating California Penal Code Section 422(terrorist threats),
21 a felony. Said crime bears a substantial relationship under
22 Section 2910, Title 10, Chapter 6, California Code of
23 Regulations, to the qualifications, functions or duties of a
24 real estate licensee.

25 5.

26 The crimes of which Respondent was convicted, as
27 alleged in Paragraphs 2 and 4 above, constitute cause for denial

1 of Respondent's application for a real estate license under
2 Business and Professions Code Sections 475(a)(2), 480(a) and
3 10177(b).

4 These proceedings are brought under the provisions of
5 Section 10100, Division 4 of the Business and Professions Code
6 of the State of California and Sections 11500 through 11528 of
7 the California Government Code.

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

15 Dated at Los Angeles, California
16 this 27 day of October, 2008.

17
18 
19 Robin Trujillo
20 Deputy Real Estate Commissioner
21
22
23
24

25 cc: MICHELLE RENEE RUSSELL
26 Organization Matters Inc.
27 Robin Trujillo
Sacto.