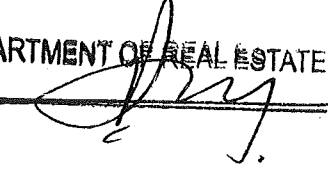


FILED

AUG - 1 2013

DEPARTMENT OF REAL ESTATE
BY: 

Department of Real Estate
320 W. 4th Street, Suite 350
Los Angeles, CA 90013-1105

Telephone: (213) 576-6982

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of

NICOLE ANN MACDONALD,

Respondent.

No. H-38981 LA

STIPULATION AND AGREEMENT

(B&P 10100.4)

I, NICOLE ANN MACDONALD, ("Respondent") do hereby affirm that I am a licensed real estate salesperson. I am representing myself in this matter.

I have been informed by the Department of Real Estate ("Department") that I am the subject of an investigation of possible violations of the Real Estate Law, Sections 10000 et seq., of the Business and Professions Code ("Code"), and Regulations of the Real Estate Commissioner, Title 10, Chapter 6, of the California Code of Regulations, which could result in the filing of an Accusation to revoke or suspend my real estate license, and pursuant to Code Section 10100.4, I wish to enter into this Stipulation and Agreement ("Stipulation").

I acknowledge that by entering into this Stipulation, I am stipulating that the Real Estate Commissioner has found grounds to file an Accusation to revoke or suspend my real estate license pursuant to Code Sections 490, and 10177(b) based on my 2010 conviction for violating California Penal Code Section 452(b) (Unlawfully Cause Inhabited Structure to Burn), a felony, and Vehicle Code Section 23152(a)(Driving Under the Influence), a misdemeanor.

1 All issues which were to be contested and all evidence which was to be presented by the
2 Department and Respondent at a formal hearing on an Accusation, and hearing held in
3 accordance with the provisions of the Administrative Procedure Act (APA), shall instead and in
4 place thereof be submitted solely on the basis of the provisions of this Stipulation and
5 Agreement.

6 Based on that, I hereby request that the Real Estate Commissioner in his discretion,
7 revoke my real estate salesperson license and issue a restricted real estate salesperson license to
8 me under the authority of Code Section 10100.4. I understand that any such restricted license
9 will be issued subject to the provisions of and limitations of Code Sections 10156.6 and 10156.7.

10 I understand that by my signing of this Stipulation and Agreement, provided this
11 Stipulation and Agreement is accepted and signed by the Real Estate Commissioner, the Real
12 Estate Commissioner will not file an Accusation based on the grounds herein, and I am waiving
13 my right to a hearing and the opportunity to present evidence at the hearing to establish my
14 rehabilitation in order to maintain an unrestricted real estate salesperson license.

15 I further understand that the following conditions, limitations, and restrictions will attach
16 to a restricted real estate salesperson license issued by the Department of Real Estate pursuant
17 hereto:

18 1. The license shall not confer any property right in the privileges to be exercised,
19 including the right of renewal, and the Real Estate Commissioner may by appropriate
20 order suspend the right to exercise any privileges granted under this restricted license
21 in the event of:

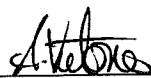
22 a. The conviction of Respondent (including a plea of nolo contendere) to a crime
23 that bears a substantial relationship to Respondent's fitness or capacity as a real
24 estate licensee; or

25 b. The receipt of evidence that Respondent has violated provisions of the
26 California Real Estate Law, the Subdivided Lands Law, Regulations of the Real
27 Estate Commissioner, or conditions attaching to this restricted license.

- 1 2. Respondent shall not be eligible to apply for the issuance of an unrestricted real
2 estate license nor the removal of any of the conditions, limitations, or restrictions
3 attaching to the restricted license until two (2) years have elapsed from the date of
4 issuance of the restricted license to Respondent.
- 5 3. With the application for license, or with the application for transfer to a new
6 employing broker, Respondent shall submit a statement signed by the prospective
7 employing broker on a form approved by the Department of Real Estate wherein the
8 employing broker shall certify as follows:
- 9 a. That broker has read the Decision which is the basis for the issuance of the
10 restricted license; and
- 11 b. That broker will carefully review all transaction documents prepared by the
12 restricted licensee and otherwise exercise close supervision over the licensee's
13 performance of acts for which a license is required.
- 14 4. Respondent shall notify the Real Estate Commissioner in writing within 72 hours of
15 any arrest by sending a certified letter to the Real Estate Commissioner at the
16 Department of Real Estate, Post Office Box 187000, Sacramento, CA 95818-7000.
17 The letter shall set forth the date of Respondent's arrest, the crime for which
18 Respondent was arrested, and the name and address of the arresting law enforcement
19 agency. Respondent's failure to timely file written notice shall constitute an
20 independent violation of the terms of the restricted license and shall be grounds for
21 the suspension or revocation of that license.

22 6/4/13

23 Dated

24 

25 Amelia V. Vetrone, Counsel
26 Department of Real Estate
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2 I have read the Stipulation and Agreement, and its terms are understood by me and are
3 agreeable and acceptable to me. I understand that I am waiving rights given to me by the
4 California Administrative Procedure Act (including, but not limited to, California Government
5 Code Sections 11504, 11506, 11508, 11509, and 11513), and I willingly, intelligently, and
6 voluntarily waive those rights, including, but not limited to, the right to a hearing on an
7 Accusation at which I would have the right to cross-examine witnesses against me and to present
8 evidence in defense and mitigation of the charges.

9 Respondent can signify acceptance and approval of the terms and conditions of this
10 Stipulation and Agreement by faxing a copy of the signature page, as actually signed by
11 Respondent, to the Department at the following telephone/fax number: (213) 576-6917, and by
12 mailing a the original signature page to the attention of Amelia V. Vetrone, Legal Section,
13 Department of Real Estate, 320 West 4th Street, Suite 350, Los Angeles, CA 90013. Respondent
14 agrees, acknowledges and understands that by electronically sending to the Department a fax
15 copy of her actual signature as it appears on the Stipulation and Agreement, that receipt of the
16 faxed copy by the Department shall be as binding on Respondent as if the Department had
17 received the original signed Stipulation and Agreement.

18 May 30, 2013
19 Dated

20 ntMacDonald
21 Nicole Ann MacDonald, Respondent

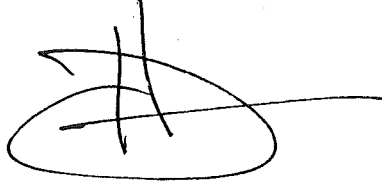
22 The foregoing Stipulation and Agreement is hereby adopted as my Decision in this
23 matter. Therefore, IT IS HEREBY ORDERED that a the real estate salesperson license of
24 Respondent NICOLE ANN MACDONALD be revoked and a restricted real estate salesperson
25 license be issued to Respondent pursuant to Section 10156.5 of the Business and Professions Code
26 if Respondent makes application therefor and pays to the Department of Real Estate the
27 appropriate fee for the restricted license within 90 days from the effective date of this Decision.

1 The restricted salesperson license shall be limited, conditioned, and restricted as specified in the
2 foregoing Stipulation and Agreement.

3 This Order shall become effective at 12 o'clock noon on August 21, 2013.

4 IT IS SO ORDERED July 29, 2013.

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6 Real Estate Commissioner

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10 **By: JEFFREY MASON**
11 **Chief Deputy Commissioner**
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