

1 Bureau of Real Estate
2 320 West 4th Street, Suite 350
3 Los Angeles, California 90013

4 Telephone: (213) 576-6982

FILED

JUL 20 2016

BUREAU OF REAL ESTATE

By *[Signature]*

8 BEFORE THE BUREAU OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 TAMI LYN MACDONALD,) No. H-40000 LA
13)
14 Respondent.) STIPULATION AND AGREEMENT
15)

16 It is hereby stipulated by and between TAMI LYN MACDONALD
17 ("Respondent") (license no. 01203786), who is represented by Vincent J. LaBarbera, Jr., Esq.,
18 and the Complainant, acting by and through Diane Lee, Esq., Counsel for the Bureau of Real
19 Estate, as follows for the purpose of settling and disposing of the Accusation filed on October 23,
20 2015 in this matter:

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

26 2. Respondent has received and read and understands the Statement to
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1 Respondent, the Discovery Provisions of the APA, and the Accusation filed by the Bureau of
2 Real Estate in this proceeding.

3 3. On or about March 29, 2016, Respondent filed a Notice of Defense pursuant to
4 California Government Code section 11506 for the purpose of requesting a hearing on the
5 allegations in the Accusation. Respondent hereby freely and voluntarily withdraws said Notice
6 of Defense. Respondent acknowledges that she understands that by withdrawing said Notice of
7 Defense, she will thereby waive her right to require the Commissioner to prove the allegations in
8 the Accusation at a contested hearing held in accordance with the provisions of the APA and that
9 she will waive other rights afforded to her in connection with the hearing, such as the right to
10 present evidence in defense of the allegations in the Accusation and the right to cross-examine
11 witnesses.

12 4. Respondent, pursuant to the limitations set forth below, hereby admits that the
13 factual allegations of the Accusation filed in this proceeding are true and correct and the Real
14 Estate Commissioner shall not be required to provide further evidence of such allegations. The
15 factual allegations are as follows: On or about August 17, 2015, in the Superior Court of
16 California, County of Orange, case no. 15HF0041, Respondent was convicted of violating
17 California Vehicle Code section 23153(b) (driving with a blood alcohol level of 0.08 percent or
18 more and causing bodily injury on another), a felony, with an enhancement pursuant to California
19 Penal Code section 12022.7(a) (personally inflicting great bodily injury on another person).

20 5. It is understood by the parties that the Real Estate Commissioner may adopt
21 the Stipulation and Agreement as his Decision in this matter, thereby imposing the penalty and
22 sanctions on Respondent's real estate license and license rights as set forth in the below "Order."
23 In the event that the Commissioner in his discretion does not adopt the Stipulation and
24 Agreement, it shall be void and of no effect, and Respondent shall retain the right to a hearing
25 and proceeding on the Accusation under all the provisions of the APA and shall not be bound by
26 any admission or waiver made herein.

1 6. The Order or any subsequent Order of the Real Estate Commissioner made
2 pursuant to this Stipulation and Agreement shall not constitute an estoppel, merger, or bar to any
3 further administrative or civil proceedings by the Bureau of Real Estate with respect to any
4 matters which were not specifically alleged to be causes for accusation in this proceeding.

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6 DETERMINATION OF ISSUES

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

10 The conduct of Respondent, as set forth in the Accusation, is grounds for the
11 suspension or revocation of all of the real estate licenses and license rights of Respondent under
12 the provision of California Business and Professions Code sections 490 and 10177(b).

13
14 ORDER

15 WHEREFORE, THE FOLLOWING ORDER is hereby made:

16 All licenses and licensing rights of Respondent TAMI LYN MACDONALD,
17 under the Real Estate Law are revoked; provided, however, a restricted real estate salesperson
18 license shall be issued to Respondent pursuant to California Business and Professions Code
19 section 10156.5 if Respondent makes application therefor and pays to the Bureau of Real Estate
20 the appropriate fee for the restricted license within 90 days from the effective date of this
21 Decision. The restricted license issued to Respondent shall be subject to all of the provisions of
22 California Business and Professions Code section 10156.7 and to the following limitations,
23 conditions, and restrictions imposed under authority of the California Business and Professions
24 Code:

- 25 1. The restricted license issued to Respondent may be suspended prior to hearing
26 by Order of the Real Estate Commissioner in the event of Respondent’s conviction or plea of
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1 nolo contendere to a crime which is substantially related to Respondent's fitness or capacity as a
2 real estate licensee.

3 2. The restricted license issued to Respondent may be suspended prior to hearing
4 by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that
5 Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands
6 Law, Regulations of the Real Estate Commissioner, or conditions attaching to this restricted
7 license.

8 3. Respondent shall not be eligible to apply for the issuance of an unrestricted
9 real estate license nor for the removal of any of the conditions, limitations, or restrictions of a
10 restricted license until three (3) years have elapsed from the date of issuance of the restricted
11 license to Respondent.

12 4. Respondent shall, within six (6) months from the effective date of this
13 Decision and Order, take and pass the Professional Responsibility Examination administered by
14 the Bureau including the payment of the appropriate examination fee. If Respondent fails to
15 satisfy this condition, Respondent's real estate license shall automatically be suspended until
16 Respondent passes the examination.

17 5. Respondent shall notify the Commissioner in writing within 72 hours of any
18 arrest by sending a certified letter to the Commissioner at the Bureau of Real Estate, Post Office
19 Box 137013, Sacramento, CA 95813-7013. The letter shall set forth the date of Respondent's
20 arrest, the crime for which Respondent was arrested, and the name and address of the arresting
21 law enforcement agency. Respondent's failure to timely file written notice shall constitute an
22 independent violation of the terms of the restricted license and shall be grounds for the
23 suspension or revocation of that license.

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6. All licenses and licensing rights of Respondent are indefinitely suspended
unless or until Respondent pays the sum of \$665.35 for the Commissioner's reasonable cost of the investigation and enforcement which led to this disciplinary action. Said payment shall be in the form of a cashier's check made payable to the Bureau of Real Estate. The investigative and enforcement costs must be delivered to the Bureau of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013 within six (6) months of the effective date of this Decision and Order.

DATED: 06/13/2016



DIANE LEE
Counsel for Complainant

* * *

I have read the Stipulation and Agreement, 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 California Government Code Sections 11506, 11508, 11509, and 11513), and I willingly, intelligently, and voluntarily waive those rights, including the right of requiring the Commissioner to prove the allegations in the Accusation at a hearing at which I would have the right to cross-examine witnesses against me and to present evidence in defense and mitigation of the charges. I also understand I may have counsel, but waive that right and am choosing to represent myself in this matter.

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1 Respondent can signify acceptance and approval of the terms and conditions of
2 this Stipulation and Agreement by faxing a copy of the signature page, as actually signed by
3 Respondent, to the Bureau of Real Estate at fax number (213) 576-6917. Respondent agrees,
4 acknowledges, and understands that by electronically sending to the Bureau of Real Estate a fax
5 copy of her actual signature as it appears on the Stipulation and Agreement, that receipt of the
6 faxed copy by the Bureau of Real Estate shall be as binding on Respondent as if the Bureau of
7 Real Estate had received the original signed Stipulation and Agreement.

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9 DATED: 5/30/16 
10 TAMI LYN MACDONALD
11 Respondent

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

14 DATED: 6-2-16 
15 VINCENT J. LABARBERA, JR.
16 Respondent's Counsel

17 The foregoing Stipulation and Agreement is hereby adopted as my Decision in
18 this matter and shall become effective at 12 o'clock noon on _____

19 IT IS SO ORDERED _____, 2016.

20
21 WAYNE S. BELL
22 REAL ESTATE COMMISSIONER
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24 _____

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

DATED: _____
TAMI LYN MACDONALD
Respondent

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

DATED: _____
VINCENT J. LABARBERA, JR.
Respondent's Counsel

The foregoing Stipulation and Agreement is hereby adopted as my Decision in this matter and shall become effective at 12 o'clock noon on July 09 2016

IT IS SO ORDERED 7/18, 2016.

WAYNE S. BELL
REAL ESTATE COMMISSIONER
