

1 shall instead and in place thereof be submitted solely on the basis of the provisions of this
2 Stipulation and Agreement (“Stipulation”).

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

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

15 4. This Stipulation is based on the factual allegations contained in the Accusation
16 filed in this proceeding. In the interests of expedience and economy, Respondent chooses not to
17 contest these factual allegations, but to remain silent and understands that, as a result thereof,
18 these factual statements, will serve as a prima facie basis for the disciplinary action stipulated to
19 herein. The Real Estate Commissioner shall not be required to provide further evidence to prove
20 such allegations.

21 5. This Stipulation and Respondent’s decision not to contest the Accusation are
22 made for the purpose of reaching an agreed disposition of this proceeding and are expressly
23 limited to this proceeding and any other proceeding or case in which the Department of Real
24 Estate or another licensing agency of this state, another state or if the federal government is
25 involved, and otherwise shall not be admissible in any other criminal or civil proceedings.

26 6. It is understood by the parties that the Real Estate Commissioner may adopt
27 this Stipulation as his Decision in this matter thereby imposing the penalty and sanctions on

1 Respondent's real estate licenses and license rights as set forth in the below "Order". In the event
2 that the Commissioner in his discretion does not adopt the Stipulation, the Stipulation shall be
3 void and of no effect and Respondent shall retain the right to a hearing and proceed on the
4 Accusation under the provisions of the APA and shall not be bound by any stipulation or waiver
5 made herein.

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

10 DETERMINATION OF ISSUES

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

14 The conduct, acts or omissions of Respondent MICHELLE JENNY LIN, as set
15 forth in the Accusation, are a basis for discipline of Respondent's licenses and license rights
16 pursuant to Real Estate Law, Part 1 of Division 4 of the California Business and Professions
17 Code ("Code") sections 10177(g), and/or 10177(h).

18 ORDER

19 WHEREFORE, THE FOLLOWING ORDER is hereby made:

20 I.

21 All licenses and licensing rights of Respondent MICHELLE JENNY LIN under
22 the Real Estate Law are suspended for a period of ninety (90) days from the effective date of this
23 Decision;

24 A. Provided, however, that the initial forty-five (45) days of said suspension shall
25 be stayed for one (1) year upon the following terms and conditions:

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1 1. Respondent shall pay a monetary penalty pursuant to Code section
2 10175.2 at the rate of \$50.00 per day for each of the forty-five (45) days of suspension for a total
3 monetary penalty of \$2,250.00.

4 2. Said payment shall be in the form of a cashier's check made payable to
5 the Department of Real Estate. Said check must be delivered to the Department of Real Estate,
6 Flag Section, P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this
7 Decision and Order.

8 3. No further cause for disciplinary action against the real estate license of
9 Respondent occurs within one (1) year from the effective date of the Decision in this matter.

10 4. If Respondent fails to pay the monetary penalty in accordance with the
11 terms and conditions of the Decision, the suspension shall go into effect automatically with
12 regard to said Respondent. Respondent shall not be entitled to any repayment nor credit, prorated
13 or otherwise, for money paid to the Department under the terms of this Decision and Order.

14 5. If Respondent pays the monetary penalty and if no further cause for
15 disciplinary action against the real estate license of Respondent occurs within one (1) year from
16 the effective date of the Decision, the stay hereby granted shall become permanent.

17 B. The remaining forty-five (45) days of the ninety (90) day suspension shall be
18 stayed for one (1) year upon the following terms and conditions:

19 1. That Respondent shall obey all laws, rules and regulations governing the
20 rights, duties and responsibilities of a real estate licensee in the State of California; and

21 2. That no final subsequent determination be made after hearing or upon
22 stipulation, that cause for disciplinary action occurred within one (1) year from the effective date
23 of this Decision. Should such a determination be made, the Commissioner may, in his discretion,
24 vacate and set aside the stay order and re-impose all or a portion of the stayed suspension.

25 Should no such determination be made under this section, the stay imposed herein shall become
26 permanent.

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1 II.

2 All licenses and license rights of Respondent are indefinitely suspended unless or
3 until Respondent pays Respondent's pro rata share of \$2,235.60 for the Commissioner's
4 reasonable costs of the investigation and enforcement which led to this disciplinary action. Said
5 payment shall be in the form of a cashier's check made payable to the Department of Real Estate.
6 The payment of the investigative and enforcement costs must be delivered to the Department of
7 Real Estate, Flag Section, at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the
8 effective date of this Decision and Order.

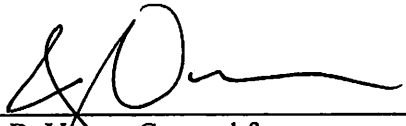
9 III.

10 Respondent shall, within six (6) months from the effective date of this Decision,
11 take and pass the Professional Responsibility Examination (PRE) administered by the
12 Department including the payment of the appropriate examination fee. If the Department is
13 unable to offer the PRE exam within the six month period after the effective date of this
14 Decision, the time period will be extended if Respondent requests an extension of time. If
15 Respondent fails to satisfy this condition, the Commissioner may order suspension of
16 Respondent's license until Respondent passes the examination.

17 IV.

18 Respondent further agrees to provide proof satisfactory to the Commissioner of
19 having taken and successfully completed the continuing education course on management of real
20 estate offices and supervision of real estate licensed activities as specified in Paragraph (6) of
21 subdivision (a) of Section 10170.5 of the Business and Professions Code. Proof of satisfaction of
22 this requirement includes evidence that Respondent has successfully completed the management
23 and supervision continuing education course, no earlier than 120 days prior to the effective date
24 of the Decision and Order in this matter. Proof of completion of the management and supervision
25 course must be delivered to the Department of Real Estate, Flag Section at P.O. Box 137013,
26 Sacramento, CA 95813-7013, within thirty (30) days from the effective date of this Decision and
27 Order.

1 DATED: 2/1/2022

2 
3 Judith B. Vasan, Counsel for
4 Department of Real Estate

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6 EXECUTION OF THE STIPULATION

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

14 Respondent shall mail the original signed signature page of the stipulation herein
15 to Judith B. Vasan, Attention: Legal Section, Department of Real Estate, 320 W. Fourth St.,
16 Suite 350, Los Angeles, California 90013-1105.

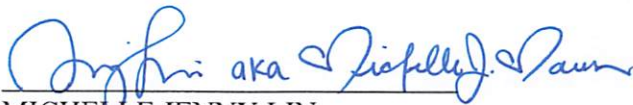
17 In the event of time constraints before an administrative hearing, Respondent can
18 signify acceptance and approval of the terms and conditions of this Stipulation and Agreement
19 by emailing a scanned copy of the signature page, as actually signed by Respondent, to the
20 Department counsel assigned to this case. Respondent agrees, acknowledges and understands
21 that by electronically sending the Department a scan of Respondent's actual signature as it
22 appears on the Stipulation and Agreement that receipt of the scan by the Department shall be
23 binding on Respondent as if the Department had received the original signed Stipulation.
24 Respondent shall also mail the original signed signature page of this Stipulation to the
25 Department counsel.

26 Respondent's signature below constitutes acceptance and approval of the terms
27 and conditions of this Stipulation. Respondent agrees, acknowledges and understands that by
signing this Stipulation, Respondent is bound by its terms as of the date of such signatures and
that this agreement is not subject to rescission or amendment at a later date except by a separate

1 Decision and Order of the Real Estate Commissioner.

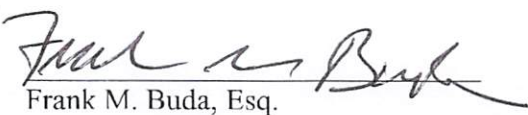
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DATED: 1/31/22



MICHELLE JENNY LIN
Respondent

DATED: 2.2.22



Frank M. Buda, Esq.
Counsel for Respondent
Approved as to Form

The foregoing Stipulation and Agreement is hereby adopted as my Decision as to Respondent MICHELLE JENNY LIN and shall become effective at 12 o'clock noon on APR 08 2022.

IT IS SO ORDERED 3.4.22.

DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER

