

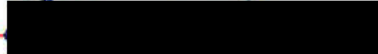
1 Department of Real Estate
2 320 W. 4th Street, Suite 350
3 Los Angeles, CA 90013-1105

4 Telephone: (213) 576-6982

FILED

OCT 25 2023

DEPT. OF REAL ESTATE

By-  

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of

12 MONICA MITCHELL

13 Respondent.

No. H- 42514 LA

STIPULATION AND WAIVER

14 I, MONICA MITCHELL ("Respondent") do hereby affirm that I have applied to the
15 Department of Real Estate ("Department") for a real estate salesperson license, and that to the
16 best of my knowledge I have satisfied all of the statutory requirements for the issuance of the
17 license, including, but not limited to, the payment of the fee therefor.

18 I acknowledge that by entering into this Stipulation and Waiver, I am stipulating that the
19 Real Estate Commissioner ("Commissioner") has found grounds that justify the denial of the
20 issuance of an unrestricted real estate salesperson license to me. I agree that there are grounds to
21 deny the issuance of an unrestricted real estate salesperson license to me pursuant to Business and
22 Professions Code ("the Code") section 10177(j).

23 I hereby request that the Commissioner in his discretion issue a restricted real estate
24 salesperson license to me under the authority of Sections 10100.4 and 10156.5 of the Code. I
25 understand that any such restricted license will be issued subject to the provisions and limitations
26 of Sections 10156.6 and 10156.7 of the Code.

27 I understand that by my signing of this Stipulation and Waiver, provided this Stipulation

1 and Waiver is accepted and signed by the Commissioner, the Commissioner will not file a
2 Statement of Issues based on the grounds herein, and I am waiving my right to a hearing and the
3 opportunity to present evidence at the hearing to establish my rehabilitation in order to obtain an
4 unrestricted real estate salesperson license.

5 I agree that by signing this Stipulation and Waiver, the conditions, limitations, and
6 restrictions imposed on my restricted license, identified below, may be removed only by filing a
7 Petition for Removal of Restrictions ("Petition") with the Commissioner, and that my Petition
8 must follow the procedures set forth in Government Code Section 11522.

9 I further understand that the restricted license issued to me shall be subject to all of the
10 provisions of Section 10156.7 of the Code and to the following limitations, conditions and
11 restrictions imposed under authority of Section 10156.6 of the Code:

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

- 1 3. Respondent shall notify the Commissioner in writing within 72 hours of any arrest by
2 sending a certified letter to the Commissioner at the Department of Real Estate, Post
3 Office Box 137013, Sacramento, CA 95813-7013. The letter shall set forth the date
4 of Respondent's arrest, the crime for which Respondent was arrested, and the name
5 and address of the arresting law enforcement agency. Respondent's failure to timely
6 file written notice shall constitute an independent violation of the terms of the
7 restricted license and shall be grounds for the suspension or revocation of that license.
- 8 4. With the application for license or with the application for transfer to a new
9 responsible broker, Respondent shall submit a statement signed by the prospective
10 responsible broker on a form approved by the Department wherein the responsible
11 broker shall certify as follows:
- 12 a. That the broker has read the Stipulation and Waiver which is the basis for the
13 issuance of the restricted license; and
- 14 b. That the broker will carefully review all transaction documents prepared by the
15 restricted licensee and otherwise exercise close supervision over the licensee's
16 performance of acts for which a license is required.

17 10/5/2023

18 Dated

17 
18 Steve Chu, Counsel
19 Department of Real Estate

20 * * *

21 Respondent has read this Stipulation and Waiver, and its terms are understood by
22 Respondent and are agreeable and acceptable to Respondent. Respondent understands that
23 Respondent is waiving rights given to Respondent by the Administrative Procedure Act
24 (including, but not limited to, Government Code Sections 11504, 11506, 11508, 11509, and
25 11513), and Respondent willingly, intelligently, and voluntarily waives those rights, including,
26 but not limited to, the right to a hearing on a Statement of Issues at which Respondent would have
27 the right to cross-examine witnesses against Respondent and to present evidence in defense and

1 mitigation of the charges.

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3 Respondent shall send a hard copy of the original signed Stipulation and Waiver to
4 Steve Chu, Department of Real Estate, 320 W. 4th Street, Suite 350 Los Angeles, CA 90013-1105
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6 In the event of time constraints before an administrative hearing, Respondent can signify
7 acceptance and approval of the terms and conditions of this Stipulation and Waiver by emailing a
8 scanned copy of the signature page, as actually signed by Respondent, to the Department counsel
9 assigned to this case. Respondent agrees, acknowledges and understands that by electronically
10 sending the Department a scan of Respondent's actual signature as it appears on the Stipulation
11 and Waiver, that receipt of the scan by the Department shall be binding on Respondent as if the
12 Department had received the original signed Stipulation and Waiver.

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14 09/07/2023

15 Dated

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15 MONICA MITCHELL, Respondent

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1 I have read the foregoing Stipulation and Waiver signed by Respondent. I am satisfied
2 that the hearing for the purpose of requiring further proof as to the honesty and truthfulness of
3 Respondent need not be called and that it will not be inimical to the public interest to issue a
4 restricted real estate salesperson license to Respondent.

5 Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be
6 issued to Respondent, if Respondent has otherwise fulfilled all of the statutory requirements for
7 licensure. The restricted salesperson license shall be limited, conditioned, and restricted as
8 specified in the foregoing Stipulation and Waiver.

9 This Order is effective immediately.

10 IT IS SO ORDERED 10/17/23.

11 DOUGLAS R. McCAULEY
12 REAL ESTATE COMMISSIONER

