

1 DEPARTMENT OF REAL ESTATE
2 320 West 4th Street, Suite 350
3 Los Angeles, California 90013-1105
4 Telephone: (213) 576-6982

FILED

JUN 03 2024

DEPT. OF REAL ESTATE

By _____

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) DRE No. H-42780 LA
12 MICHELLE MARIE FITZGERALD,) OAH No. 2024020530
13 Respondent.) STIPULATION AND AGREEMENT
14) IN SETTLEMENT AND ORDER

15 It is hereby stipulated by and between Respondent MICHELLE MARIE
16 FITZGERALD, a.k.a. "Michelle Fitzgerald," "Michelle More," and "Michelle Line"
17 ("Respondent"), acting by and through her attorney, Mary E. Work of Mary E. Work, A
18 Professional Corporation, and the Complainant, acting by and through Kathy Yi, Counsel for
19 the Department of Real Estate ("Department"), as follows for the purpose of settling and
20 disposing of the Accusation filed on February 9, 2024, 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
23 hearing was to be held in accordance with the provisions of the Administrative Procedure Act
24 ("APA"), shall instead and in place thereof be submitted solely on the basis of the provisions of
25 this Stipulation and Agreement ("Stipulation").

26 2. Respondent has received, read and understands the Statement to
27 Respondent, the Discovery Provisions of the APA, and the Accusation filed by the Department

1 of Real Estate in this proceeding.

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

11 4. Respondent, pursuant to the limitations set forth below, hereby admits
12 that the factual allegations in the Accusation filed in this proceeding are true and correct and
13 the Commissioner shall not be required to provide further evidence to prove such allegations.

14 5. This Stipulation is made for the purpose of reaching an agreed
15 disposition of this proceeding and is expressly limited to the said proceeding and any other
16 proceedings or cases in which the Department or another licensing agency of this state, another
17 state, or if the federal government is involved, and otherwise shall not be admissible in any
18 other criminal or civil proceeding.

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

26 7. The Order or any subsequent Order of the Commissioner made pursuant
27 to this Stipulation shall not constitute an estoppel, merger or bar to any further administrative or

1 civil proceedings by the Department with respect to any matters which were not specifically
2 alleged to be causes for the Accusation in this proceeding.

3 DETERMINATION OF ISSUES

4 By reason of the foregoing stipulations, admissions, and waivers, and solely for
5 the purpose of settlement of the pending Accusation without a hearing, it is stipulated and
6 agreed that the following Determination of Issues shall be made:

7 The conduct, acts, or omissions of Respondent MICHELLE MARIE
8 FITZGERALD, as described in the Accusation, constitute cause for the suspension or
9 revocation of all real estate licenses and license rights of MICHELLE MARIE FITZGERALD
10 under California Business and Professions Code ("Code") sections 490 and 10177(b)(1).

11 ORDER

12 WHEREFORE, THE FOLLOWING ORDER is hereby made:

13 All licenses and licensing rights of Respondent MICHELLE MARIE
14 FITZGERALD under the Real Estate Law are revoked; provided, however, a restricted real
15 estate salesperson license shall be issued to Respondent pursuant to Section 10156.5 of the
16 Code if Respondent makes application therefor and pays to the Department the appropriate fee
17 for the restricted license within ninety (90) days from the effective date of this Decision. The
18 restricted license issued to Respondent shall be subject to all of the provisions of Section
19 10156.7 of the Code and to the following limitations, conditions, and restrictions imposed
20 under Section 10156.6 of the Code:

21 1. The restricted license issued to Respondent may be suspended prior to
22 hearing by Order of the Real Estate Commissioner in the event of Respondent's conviction,
23 plea of guilty, or plea of nolo contendere to a crime which is substantially related to
24 Respondent's fitness or capacity as a real estate licensee.

25 2. The restricted license issued to Respondent may be suspended prior to
26 hearing by Order of the Real Estate Commissioner on evidence satisfactory to the
27 Commissioner that Respondent has violated provisions of the California Real Estate Law, the

1 Subdivided Lands Law, Regulations of the Real Estate Commissioner, or the conditions
2 attaching to this restricted license.

3 3. Respondent shall not be eligible to petition for the issuance of any
4 unrestricted real estate license nor for the removal of any of the conditions, limitations or
5 restrictions of a restricted license until at least **three (3) years** have elapsed from the effective
6 date of this Decision and Order. Respondent shall not be eligible to apply for any unrestricted
7 license until all restrictions attaching to the license have been removed.

8 4. Respondent shall submit with any application for license under an
9 employing broker, or any application for transfer to a new employing broker, a statement
10 signed by the prospective employing real estate broker, on a form approved by the Department
11 of Real Estate, which shall certify:

12 (a) That the employing broker has read the Decision of the

13 Commissioner which granted the right to a restricted license; and

14 (b) That the employing broker will exercise close supervision over the
15 performance by the restricted licensee relating to activities for which
16 a real estate license is required.

17 5. Respondent shall, within nine (9) months from the effective date of this
18 Decision and Order, present evidence satisfactory to the Commissioner that Respondent has,
19 since the most recent issuance of an original or renewal real estate license, taken and
20 successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the
21 Real Estate Law for renewal of a real estate license. If Respondent fails to satisfy this
22 condition, Respondent's real estate license shall automatically be suspended until Respondent
23 presents evidence satisfactory to the Commissioner of having taken and successfully completed
24 the continuing education requirements. Proof of completion of the continuing education
25 courses must be delivered to the Department of Real Estate, Flag Section at P.O. Box 137013,
26 Sacramento, CA 95813-7013.


27 6. Respondent shall notify the Commissioner in writing within 72 hours of

1 any arrest by sending a certified letter to the Commissioner at the Department of Real Estate,
2 Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013. The letter shall set forth the
3 date of Respondent's arrest, the crime for which Respondent was arrested and the name and
4 address of the arresting law enforcement agency. Respondent's failure to timely file written
5 notice shall constitute an independent violation of the terms of the restricted license and shall
6 be grounds for the suspension or revocation of that license.

7 7. Respondent shall pay the sum of \$1,221.05 for the Commissioner's
8 reasonable cost of the investigation (\$681.05) and cost of enforcement (\$540.00) which led to
9 this disciplinary action. Said payment shall be in the form of a cashier's check made payable to
10 the Department of Real Estate. **The investigative and enforcement costs must be delivered**
11 **to the Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA**
12 **95813-7013, prior to the effective date of this Decision and Order. Payment of**
13 **investigation and enforcement costs should not be made until the Stipulation has been**
14 **approved by the Commissioner.**

15 8. If Respondent fails to satisfy condition 7, above, Respondent's restricted
16 license shall be suspended until Respondent presents evidence of payment. The Commissioner
17 shall afford Respondent the opportunity for a hearing pursuant to the Administrative Procedure
18 Act to present such evidence that payment was timely made. The suspension shall remain in
19 effect until payment is made in full or until a decision providing otherwise is adopted following
20 a hearing held pursuant to this condition.

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22 DATED: April 3, 2024


Kathy Yi, Counsel
Department of Real Estate

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26 EXECUTION OF THE STIPULATION

27 Respondent has read the Stipulation and Agreement and understands that

1 Respondent is waiving rights given to Respondent by the California Administrative Procedure
2 Act. (including but not limited to Sections 11521 and 11523 of the Government Code), and
3 Respondent willingly, intelligently, and voluntarily waives those rights, including the right to
4 seek reconsideration and the right to seek judicial review of the Commissioner's Decision and
5 Order by way of a writ of mandate.


6 Respondent agrees, acknowledges, and understands that Respondent cannot
7 rescind or amend this Stipulation and Agreement. By signing this Stipulation, Respondent
8 understands and agrees that Respondent may not withdraw Respondent's agreement or seek to
9 rescind the Stipulation prior to the time the Commissioner considers and acts upon it or prior to
10 the effective date of the Stipulation and Order.

11 Respondent can signify acceptance and approval of the terms and conditions of
12 this Stipulation and Agreement by electronically e-mailing a copy of the signature page, as
13 actually signed by Respondent, to the Department. Respondent agrees, acknowledges, and
14 understands that by electronically sending to the Department an electronic copy of
15 Respondent's actual signature, as it appears on the Stipulation, that receipt of the emailed copy
16 by the Department shall be as binding on Respondent as if the Department had received the
17 original signed Stipulation. Alternatively, Respondent can signify acceptance and approval of
18 the terms and conditions of this Stipulation and Agreement by mailing the original signed
19 Stipulation and Agreement to: Kathy Yi, Department of Real Estate, 320 West 4th Street, Suite
20 350, Los Angeles, California 90013-1105.

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22 DATED: 5.2.2024


MICHELLE MARIE FITZGERALD
Respondent

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25 DATED: 5/2/2024

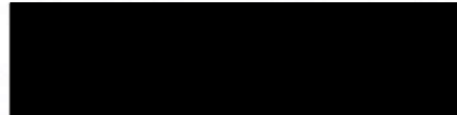

Mary E. Work Esq.
Counsel for Respondent
Approved as to Form

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The foregoing Stipulation and Agreement is hereby adopted by me as my
Decision in this matter as to Respondent MICHELLE MARIE FITZGERALD and shall
become effective at 12 o'clock noon on June 24, 2024.

IT IS SO ORDERED 5/28/2024.

CHIKA SUNQUIST
Real Estate Commissioner



By: MARCUS L. McCARTHER
Chief Deputy Real Estate Commissioner