

## BEFORE THE DEPARTMENT OF REAL ESTATE STATE OF CALIFORNIA

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In the Matter of the Accusation of	)	
MARY MARGARET DEL VECCHIO,	)	H-2694 FR
Respondent.	) )	

#### **DECISION**

This Decision is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on January 9, 2012, and the findings of fact set forth herein, which are based on one or more of the following: (1) Respondent's express admissions; (2) affidavits; and (3) other evidence.

This Decision revokes a real estate license on grounds of the conviction of crimes.

The right to reinstatement of a revoked real estate license is controlled by Section 11522 of the Government Code. A copy of Section 11522 and a copy of the Commissioner's <u>Criteria of Rehabilitation</u> are attached hereto for the information of Respondent.

#### **FINDINGS OF FACT**

1

On November 18, 2011, Luke Martin, made the Accusation in his official capacity as a Deputy Real Estate Commissioner of the State of California. The Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified mail, return receipt requested, to Respondent's last known mailing address on file with the Department on November 23, 2011.

On January 9, 2012, no Notice of Defense having been received or filed herein within the time prescribed by Section 11506 of the Government Code, Respondent's default was entered herein.

Respondent is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code (the Code) as a real estate salesperson.

3

On or about June 24, 2011, in the Superior Court of the State of California, County of Santa Clara, Case No. LA 065902, Respondent was convicted of violating Sections 2945.4(g)/2945.7 of the California Civil Code (Induce Another to Enter Unlawful Contract), a felony and Section 6126(a) of the California Business and Professions Code (Unauthorized Practice of Law), a misdemeanor, both crimes which bear a substantial relationship under Section 2910, Title 10, California Code of Regulations, to the qualifications, functions, or duties of a real estate licensee.

#### **DETERMINATION OF ISSUES**

1

Cause for disciplinary action against Respondent exists with reference to the conviction set out in Paragraph 3, above, pursuant to Business and Professions Code Sections 490 and 10177(b).

2

The standard of proof applied was clear and convincing proof to a reasonable certainty.

#### **ORDER**

All licenses and licensing rights of Respondent MARY MARGARET DEL VECCHIO, under the provisions of Part I of Division 4 of the Business and Professions Code are revoked.

This Decision shall become effective at 12 o'clock noon on

MAR 2 2 2012 -

DATED: 2/17/12

**BARBARA J. BIGBY** 

Acting Real Estate Commissioner

# FILED

1	Department of Real Estate  January 09, 2012 P. O. Box 187007	
2	Sacramento, CA 95818-7007 DEPARTMENT OF REAL ESTATE	
3	Telephone: (916) 227-0789	
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9	STATE OF CALIFORNIA	
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1 12 13 14	In the Matter of the Accusation of  NO. H-2694 FR  MARY MARGARET DEL VECCHIO,  DEFAULT ORDER  Respondent.  NO. H-2694 FR  DEFAULT ORDER	
5	Respondent, MARY MARGARET DEL VECCHIO, having failed to file a Notice of Defense within the time required by Section 11506 of the Government Code, is now in	
7 8 9 20 21 22 23 24 25	default. It is, therefore, ordered that a default be entered on the record in this matter.  IT IS SO ORDERED  BARBARA J. BIGBY Acting Real Estate Commissioner  By:  JOE M. CARRILLO Regional Manager	
,,		

### FILED

RICHARD K. UNO, Counsel (SBN 98275) 1 Department of Real Estate P. O. Box 187007 Sacramento, CA 95818-7007 3 4 Telephone: (916) 227-0789 (916) 227-2380 (Direct) 5 6 7 8 9 In the Matter of the Accusation of 10 11 12 13 14 15 16 17 18 19 20 21 estate salesperson. 22 23 24 25 26

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November 23, 2011

DEPARTMENT OF REAL ESTATE

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

H-2694 FR MARY MARGARET DEL VECCHIO, ACCUSATION Respondent.

The Complainant, LUKE MARTIN, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against MARY MARGARET DEL VECCHIO, (hereinafter Respondent), is informed and alleges as follows:

Complainant makes this Accusation against Respondent in his official capacity.

Respondent is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the Business and Professions Code (hereinafter "the Code") as a real

On or about June 24, 2011, in the Superior Court of the State of California, County of Santa Clara, Case No. LA 065902, Respondent was convicted of violating Sections 2945.4(g)/2945.7 of the California Civil Code (Induce Another to Enter Unlawful Contract), a felony and Section 6126(a) of the California Business and Professions Code (Unauthorized

Practice of Law), a misdemeanor, both crimes which bear a substantial relationship under Section 2910, Title 10, California Code of Regulations, to the qualifications, functions, or duties of a real estate licensee. The facts alleged in Paragraph 3, above, constitute cause under Section 10177(b) (Further Grounds for Disciplinary Action-Conviction of Crime) and Section 490 (Conviction Substantially Related Crime) of the Code for suspension or revocation of Respondent's license under the Real Estate Law. WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a Decision be rendered imposing disciplinary action against all licenses and license rights of Respondent under the Code, and for such other and further relief as may be proper under provisions of law. SME . 14 LUKE MARTIN Deputy Real Estate Commissioner Dated at Fresno, California