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| | 1 KYLE T. JONES, Counsel (SBN 300751) |
| | 2 Department of Real Estate P.O. BOX 137007 |
| | 3 Sacramento, CA 95813-7007 MAR 2 7 2019 |
| | 4 Telephone: (916) 576-8700 DEPARTMENT OF REAL ESTATE |
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| | (916) 576-7840 (Direct) |
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| 1 | BEFORE THE DEPARTMENT OF REAL ESTATE |
| 9 | STATE OF CALIFORNIA |
| 10 |) * * * |
| 11 | In the Matter of the Accusation of |
| 12 | STACY COOPER GALLUZI, |
| 13 |) <u>ACCUSATION</u> |
| 14 | Respondent. |
| 15 | The Complainant, ROBIN S. TANNER, acting in her official capacity as a |
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| 19 | Respondent is presently licensed and/or has license rights under the Real Estate |
| 20 | Law, Part 1 of Division 4 of the California Business and Professions Code ("Code"), as a real |
| 21 | estate broker. |
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| 23 | On or about August 16, 2017, Respondent submitted a broker renewal application |
| 24 | to the Department of Real Estate ("Department"). |
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| 26 | In response to Question 17 of said broker renewal application to wit: "ARE |
| 27 | THERE CRIMINAL CHARGES PENDING AGAINST YOU AT THIS TIME, OR ARE YOU |
| | WILL AND |
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| | |

CURRENTLY AWAITING JUDGMENT AND SENTENCING FOLLOWING ENTRY OF A PLEA OR JURY VERDICT? IF YES, COMPLETE ITEM 22," Respondent concealed and failed to disclose the pending charges described below in paragraph 4.

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On or about April 24, 2017, in the Superior Court of the State of California, County of Sonoma, Case No. SCR-701827-1, Respondent was charged with violating Section 273a(a) (abusing or endangering health of a child) of the California Penal Code and Section 23153(a) (driving under the influence of alcohol-with injury) of the California Vehicle Code, felonies. The charges against Respondent were disposed of on or about March 28, 2018.

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On or about March 28, 2018, in the Superior Court of the State of California,
County of Sonoma, Case No. SCR-701827-1, Respondent was convicted of violating Section
273a(a) of the California Penal Code and Section 23153(a) of the California Vehicle Code,
misdemeanors and crimes that bear a substantial relationship to the qualifications, functions or
duties of a real estate licensee pursuant to Section 2910, Title 10, of the California Code of
Regulations.

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On February 25, 2019, a diligent search was made of the records of the Department relating to Respondent's real estate broker license No. 01809635. No record or written notice was received from Respondent notifying the Department, in writing, of any arrest, conviction, indictment or license disciplinary action.

GROUNDS FOR DISCIPLINE

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The facts alleged in Paragraph 3, above, constitute cause under Section 10177(a)
(attempt to procure a license renewal by fraud, misrepresentation or deceit) of the Code for the
suspension or revocation of all licenses and license rights of Respondent under the Real Estate
Law.

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| 2 | The facts alleged in Paragraph 5, above, constitute cause under Sections 490 |
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| 7 | Respondent's failure to report the conviction to the Department, as described in |
| 8 | |
| 9 | Code, and constitutes cause under Section 10177(d) (willful disregard or violation of Real Estate |
| 10 | Law) of the Code for suspension or revocation of all licenses and license rights of Respondent |
| 11 | under the Real Estate Law. |
| 12 | MATTER IN AGGRAVATION |
| 13 | 10 |
| 14 | On or about September 24, 2008, in the Superior Court of the State of California, |
| 15 | County of Sonoma, Case No. SCR-538946-1, Respondent was convicted of violating Section |
| 16 | 23105.5 (reckless driving-with alcohol) of the California Vehicle Code, a misdemeanor. |
| 17 | <u>COST RECOVERY</u> |
| 18 | 11 |
| 19 | The Department will seek to recover the costs of the investigation and prosecution |
| 20 | of this case pursuant to Section 10106 of the Code which provides, in pertinent part, that in any |
| 21 | order issued in resolution of a disciplinary proceeding before the Department, the Commissioner |
| 22 | may request the administrative law judge to direct a licensee found to have committed a violation |
| 23 | of this part to pay a sum not to exceed the reasonable costs of the investigation and enforcement |
| 24 | of the case. |
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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 Real Estate Law, for the
 cost of investigation and enforcement as permitted by law, and for such other and further relief as
 may be proper under other provisions of law.

ROBIN S. TANNER Supervising Special Investigator

Dated at Oakland, California, this 25th day of Mar 2019.

DISCOVERY DEMAND

Pursuant to Sections 11507.6, *et seq.* of the *Administrative Procedure Act*, the
Department hereby makes demand for discovery pursuant to the guidelines set forth in the *Administrative Procedure Act*. Failure to provide Discovery to the Department may result in the
exclusion of witnesses and documents at the hearing or other sanctions that the Office of
Administrative Hearings deems appropriate.