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**FILED**

FEB 27 2013

DEPARTMENT OF REAL ESTATE  
BY: 

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11	In the Matter of the Accusation of )	No. H-38739 LA
	)	
12	MICHAEL CAPIZZI, )	<u>A C C U S A T I O N</u>
	)	
13	Respondent. )	
14	)	

15 The Complainant, Veronica Kilpatrick, a Deputy Real  
16 Estate Commissioner of the State of California, acting in her  
17 official capacity, for cause of Accusation against MICHAEL  
18 CAPIZZI, ("Respondent") alleges as follows:

19 1.

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

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1 (CRIMINAL CONVICTION)

2 2.

3 On or about March 4, 2011, in the Superior Court of  
4 California, County of Riverside, in Case No. INM10005900,  
5 Respondent was convicted of violating Penal Code Section 484(a)  
6 (Petty Theft), a misdemeanor. This crime is substantially  
7 related to the qualifications, functions or duties of a real  
8 estate licensee under Section 2910, Title 10, Chapter 6,  
9 California Code of Regulations.

10 3.

11 The crime of which Respondent was convicted  
12 constitutes cause under Sections 490 and 10177(b) of the  
13 Business & Professions Code for the suspension or revocation of  
14 the license and license rights of Respondent under the Real  
15 Estate Law.

16  
17 California Business and Professions Code Section 10106  
18 provides, in pertinent part, that in any order issued in  
19 resolution of a disciplinary proceeding before the department,  
20 the Commissioner may request the administrative law judge to  
21 direct a licensee found to have committed a violation of this  
22 part to pay a sum not to exceed the reasonable costs of  
23 investigation and enforcement 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 the licenses and license rights of Respondent, MICHAEL CAPIZZI, under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code), for the costs of investigation and enforcement as provided by law, and for such other and further relief as may be proper under other applicable provisions of law.

Dated at San Diego, California: 25<sup>th</sup> day of February, 2013

V. Kilpatrick  
Veronica Kilpatrick  
Deputy Real Estate Commissioner

cc: Michael Capizzi  
Veronica Kilpatrick  
Sacto.