

FILED

JUN 29 2005

DEPARTMENT OF REAL ESTATE

By Juan Arciniegas

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

No. H-2650 SD

GREGORY PIZZA,

Respondent.

ORDER GRANTING REINSTATEMENT OF LICENSE

On January 4, 2002, a Decision was rendered herein revoking the real estate broker license of Respondent, but granting Respondent the right to the issuance of a restricted real estate broker license. A restricted real estate broker license was issued to Respondent on February 6, 2002, and Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent since that time.

On May 29, 2003, Respondent petitioned for reinstatement of said real estate broker license, and the Attorney General of the State of California has been given notice of the filing of said petition.

///

1 I have considered Respondent's petition and the
2 evidence and arguments in support thereof. Respondent has
3 demonstrated to my satisfaction that Respondent meets the
4 requirements of law for the issuance to Respondent of an
5 unrestricted real estate broker license and that it would not be
6 against the public interest to issue said license to Respondent.

7 NOW, THEREFORE, IT IS ORDERED that Respondent's
8 petition for reinstatement is granted and that a real estate
9 broker license be issued to Respondent if Respondent satisfies
10 the following conditions within nine months from the date of this
11 Order:

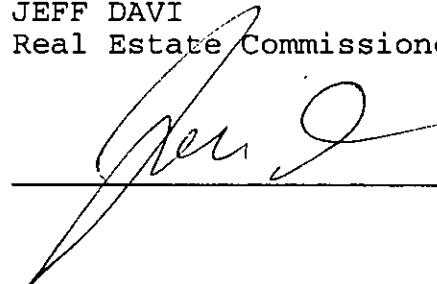
12 1. Submittal of a completed application and payment of
13 the fee for a real estate broker license.

14 2. Submittal of evidence of having, since the most
15 recent issuance of an original or renewal real estate license,
16 taken and successfully completed the continuing education
17 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
18 for renewal of a real estate license.

19 This Order shall become effective immediately.

20 DATED: 6-29, 2005

21 JEFF DAVI
22 Real Estate Commissioner

23 
24
25
26
27

1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 187000
3 Sacramento, CA 95818-7000
4
5 Telephone: (916) 227-0789
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7

FILED
JAN 17 2002

DEPARTMENT OF REAL ESTATE

By *Kathleen Contreras*

8 BEFORE THE
9 DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of)
13) NO. H-2650 SD
14 GREGORY PIZZA,)
15 Respondent.) STIPULATION AND AGREEMENT

16 It is hereby stipulated by and between GREGORY PIZZA
17 (hereafter Respondent), and the Complainant, acting by and
18 through Deidre L. Johnson, Counsel for the Department of Real
19 Estate, as follows for the purpose of settling and disposing
20 the Accusation filed on July 2, 2001, in this matter:

21 1. All issues which were to be contested and all
22 evidence which was to be presented by Complainant and Respondent
23 at a formal hearing on the Accusation, which hearing was to be
24 held in accordance with the provisions of the Administrative
25 Procedure Act (APA), shall instead and in place thereof be
26 submitted solely on the basis of the provisions of this
27 Stipulation and Agreement.

1 2. Respondent has received, read and understands the
2 Statement to Respondent, and the Discovery Provisions of the APA
3 filed by the Department of Real Estate in this proceeding.

4 3. On August 9, 2001, Respondent filed his Notice of
5 Defense pursuant to Section 11505 of the Government Code for the
6 purpose of requesting a hearing on the allegations in the
7 Accusation. Respondent hereby freely and voluntarily withdraws
8 said Notice of Defense. Respondent acknowledges that he
9 understands that by withdrawing said Notice of Defense he will
10 thereby waive his right to require the Commissioner to prove the
11 allegations in the Accusation at a contested hearing held in
12 accordance with the provisions of the APA, and that he will waive
13 other rights afforded to him in connection with the hearing such
14 as the right to present evidence in defense of the allegations in
15 the Accusation and the right to cross-examine witnesses.

16 4. Respondent, pursuant to the limitations set forth
17 below, hereby admits that the factual allegations pertaining to
18 him in Paragraphs I through IV of the Accusation filed in this
19 proceeding are true and correct and the Real Estate Commissioner
20 shall not be required to provide further evidence of such
21 allegations.

22 5. Without admitting the truth of the allegations
23 pertaining to him contained in the rest of the Accusation,
24 Respondent stipulates that he will not interpose a defense
25 thereto. This Stipulation is based on the factual allegations
26 contained in the Accusation. In the interests of expedience and
27 economy, Respondent chooses not to contest these allegations, but

1 to remain silent and understands that, as a result thereof, these
2 factual allegations, without being admitted or denied, will serve
3 as a basis for the disciplinary action stipulated to herein. The
4 Real Estate Commissioner shall not be required to provide further
5 evidence to prove said factual allegations.

6 6. Respondent has received, read and understands the
7 "Notice Concerning Costs of Audits." Respondent understands, by
8 agreeing to this Stipulation and Agreement, and after the
9 findings set forth below in the "Determination of Issues" become
10 final, that the Commissioner may charge Respondent for the costs
11 of the following audits that have been and may be conducted
12 pursuant to Section 10148 of the Business and Professions Code:

13 (a) Audit #SD000001 dated December 22, 2000:
14 Not more than \$4,078.56;

15 (b) Future follow-up audit: Not more than
16 \$4,100.00.

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

27 8. The Order or any subsequent Order of the Real
Estate Commissioner made pursuant to this Stipulation and

1 Agreement shall not constitute an estoppel, merger or bar to any
2 further administrative or civil proceedings by the Department
3 of Real Estate with respect to any matters which were not
4 specifically alleged to be causes for accusation in this
5 proceeding.

6 DETERMINATION OF ISSUES

7 By reason of the foregoing stipulations and waivers,
8 and for the purpose of settlement of the pending Accusation as to
9 Respondent without a hearing, it is stipulated and agreed that
10 the following determination of issues shall be made:

11 The acts and/or omissions of Respondent GREGORY PIZZA
12 as stipulated above violate Sections 10145, 10148, and 10159.5 of
13 the California Business and Professions Code (hereafter the
14 Code), and Sections 2731, 2831, 2832, 2831.2, and 2832.1 of Title
15 10, California Code of Regulations, and constitute grounds for
16 the suspension or revocation of the real estate broker license(s)
17 and license rights of Respondent under the provisions of Sections
18 10176(f) and 10177(d) of the Code.

19 ORDER

20
21 A. All real estate license(s) and license rights of Respondent
22 GREGORY PIZZA are revoked.

23 B. A restricted real estate broker license shall be issued to
24 Respondent pursuant to Section 10156.6 of the Code if he
25 makes application therefor and pays to the Department the
26 appropriate fee for said license within ninety (90) days of
27 the effective date of the Order.

1 C. The restricted license issued to Respondent shall be
2 subject to all of the provisions of Section 10156.7 of the
3 Business and Professions Code and to the following
4 limitations imposed under authority of Section 10156.6 of
5 said Code:

6 1) The restricted license issued to Respondent may be
7 suspended prior to hearing by order of the Real Estate
8 Commissioner in the event of Respondent's conviction or
9 plea of nolo contendere to a crime which bears a
10 substantial relationship to Respondent's fitness or
11 capacity as a real estate licensee.

12 2) The restricted license may be suspended prior to hearing
13 by Order of the Real estate Commissioner on evidence
14 satisfactory to the Commissioner that Respondent has
15 violated provisions of the California Real Estate Law,
16 the Subdivided Lands Law, Regulations of the Real Estate
17 Commissioner, or conditions attaching to the restricted
18 license.

19 3) Respondent shall not be eligible to apply for the
20 issuance of an unrestricted real estate license, nor the
21 removal of any of the conditions of the restricted
22 license, until two (2) years have elapsed from the
23 effective date of this Order.

24 4) Pursuant to Section 10148 of the Business and Professions
25 Code, Respondent shall pay the Commissioner's reasonable
26 cost for the following audits as a result of the above
27 found violations:

1 (a) Audit #SD000001 dated December 22, 2000:
2 Not more than \$4,078.56;

3 (b) Future follow-up audit: Not more than
4 \$4,100.00.

5 In calculating the amount of the Commissioner's
6 reasonable costs for each audit, the Commissioner may use
7 the estimated average hourly salary for all Department
8 Audit Section personnel performing audits of real estate
9 brokers, and shall include an allocation for travel time
10 to and from the auditor's place of work. Respondent
11 shall pay such costs within 60 days of receiving an
12 invoice from the Commissioner detailing the activities
13 performed during each audit and the amount of time spent
14 performing those activities. The Commissioner may
15 suspend the restricted license issued to Respondent
16 pending a hearing held in accordance with Section 11500,
17 et seq., of the Government Code, if payment is not timely
18 made as provided for therein, or as provided for in a
19 subsequent agreement between the Respondent and the
20 Commissioner. The suspension shall remain in effect
21 until payment is made in full for each audit or until
22 Respondent enters into an agreement satisfactory to the
23 Commissioner to provide for payment, or until a decision
24 providing otherwise is adopted following a hearing held
25 pursuant to this condition.

26 5) Respondent shall, within nine (9) months from the
27 effective date of this Order, present evidence
satisfactory to the Real Estate Commissioner that

1 Respondent has, since the most recent issuance of an
2 original or renewal real estate license, taken and
3 successfully completed the continuing education
4 requirements of Article 2.5 of Chapter 3 of the Real
5 Estate Law for renewal of a real estate license. If
6 Respondent fails to satisfy this condition, the
7 Commissioner may order the suspension of the restricted
8 license until the Respondent presents such evidence. The
9 Commissioner shall afford Respondent the opportunity for
10 hearing pursuant to the Administrative Procedure Act to
11 present such evidence.

12 6) Respondent shall, within six (6) months from the
13 effective date of this Decision, take and pass the
14 Professional Responsibility Examination administered by
15 the Department including the payment of the appropriate
16 examination fee. If Respondent fails to satisfy this
17 condition, the Commissioner may order suspension of the
18 restricted license until Respondent passes the
19 examination.

21 December 3, 2001
22 DATED

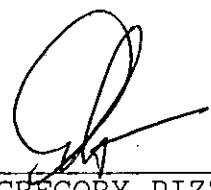
21 Deidre L. Johnson
22 DEIDRE L. JOHNSON
23 Counsel for the Complainant

24 * * *

25 I have read the Stipulation and Agreement, have
26 discussed it with my counsel or understand that I have the right
27 to consult legal counsel, and its terms are understood by me and

1 are agreeable and acceptable to me. I understand that I am
2 waiving rights given to me by the California Administrative
3 Procedure Act, and I willingly, intelligently and voluntarily
4 waive those rights, including the right of requiring the
5 Commissioner to prove the allegations in the Accusation at a
6 hearing at which I would have the right to cross-examine
7 witnesses against me and to present evidence in defense and
8 mitigation of the charges.

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11/29/01
DATED


GREGORY PIZZA
Respondent

* * *

15 The foregoing Stipulation and Agreement is hereby
16 adopted as my Decision and shall become effective at 12 o'clock
17 noon on February 6, 2002.

IT IS SO ORDERED

January 4, 2002.
PAULA REDDISH ZINNEBANN
Real Estate Commissioner

**BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA**

FILED
SEP - 7 2001

DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

In the Matter of the Accusation of

GREGORY PIZZA,

} Case No. H-2650 SD

} OAH No. L-2001080588

Respondent

NOTICE OF HEARING ON ACCUSATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at the **OFFICE OF ADMINISTRATIVE HEARINGS, 1350 FRONT STREET, ROOM 6022, SAN DIEGO, CA 92101**, on **DECEMBER 14, 2001**, at the hour of **9:00 AM**, or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: September 7, 2001

By Deidre L. Johnson
DEIDRE L. JOHNSON, Counsel

1 DEIDRE L. JOHNSON, Counsel
2 State Bar No. 66322
3 Department of Real Estate
4 P. O. Box 187000
5 Sacramento, CA 95818-7000
6
7 Telephone: (916) 227-0789

FILED
JUL - 2 2001

DEPARTMENT OF REAL ESTATE

By Jean Blum

8 BEFORE THE
9 DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of)
13 GREGORY PIZZA,) NO. H-2650 SD
14 Respondent.) ACCUSATION
15)

16 The Complainant, J. Chris Graves, a Deputy Real Estate
17 Commissioner of the State of California, for cause of Accusation
18 against GREGORY PIZZA, is informed and alleges as follows:

19 I

20 Respondent GREGORY PIZZA (hereafter Respondent) is
21 presently licensed and/or has license rights under the Real
22 Estate Law, Part 1 of Division 4 of the California Business and
23 Professions Code (hereafter the Code).

24 II

25 The Complainant, J. Chris Graves, a Deputy Real Estate
26 Commissioner of the State of California, makes this Accusation
27 against Respondent in his official capacity and not otherwise.

1 III

2 At all times herein mentioned, Respondent was and is
3 licensed by the State of California Department of Real Estate
4 (hereafter the Department) as a real estate broker. At no time
5 herein was Respondent licensed to do business under any
6 fictitious business name.

7 IV

8 At least within the last three years, Respondent
9 engaged in activities on behalf of others for which a real estate
10 license is required, for or in expectation of compensation, and
11 leased or rented, offered to lease or rent, solicited prospective
12 tenants for, collected rents on, and/or managed certain real
13 properties in California.

14 V

15 Beginning in November of 2000, the Department conducted
16 an audit of the above business activities of Respondent for the
17 time period of January 1, 2000 through October 31, 2000. During
18 the course of the activities described above, Respondent received
19 and disbursed funds in trust on behalf of others.

20 VI

21 Within the last three years, Respondent deposited the
22 above trust funds into a trust bank account at First National
23 Bank of North County in Carlsbad, California, bearing account
24 number 001126741, in the name of "MANAGEMENT TRUST ACCOUNT."

25 VII

26 In connection with the collection and disbursement of
27 trust funds, Respondent failed to deposit and maintain the trust

1 funds in a trust account or neutral escrow depository, or to
2 deliver them into the hands of the owners of the funds, as
3 required by Section 10145 of the Code, in such a manner that as
4 of September 29, 2000, there was a trust fund shortage in the
5 approximate sum of \$2,788.97.

6 VIII

7 In connection with the receipt and disbursement of
8 trust funds as above alleged, and as set forth in Audit No.
9 SD 000001, dated December 22, 2000, and accompanying working
10 papers and exhibits, Respondent:

- 11 (a) Failed to deposit trust funds into one or more
12 trust accounts in the name of Respondent as
13 trustee at a bank or other financial institution,
14 in conformance with Section 2832 of Title 10,
15 California Code of Regulations (hereafter the
16 Regulations);
- 17 (b) Failed to maintain a written control record of all
18 trust funds received and disbursed containing all
19 information required by Section 2831 of the
20 Regulations, including but not limited to
21 recordation of all deposits, recordation of dates
22 of receipt, and recordation of accurate dates of
23 deposit of trust funds;
- 24 (c) Failed to reconcile the balance of separate
25 beneficiary or transaction records with the
26 control records of trust funds received and
27 disbursed at least once a month, and/or failed

- 1 to maintain a record of such reconciliations
2 as required by Section 2831.2 of the Regulations;
- 3 (d) Failed to obtain the prior written consents of the
4 principals for the reduction of the aggregate
5 balance of trust funds in the trust account to
6 an amount less than the existing aggregate trust
7 fund liability to the owners of said funds as of
8 September 29, 2000, in conformance with Section
9 2832.1 of the Regulations;
- 10 (e) Failed to deposit trust funds into a trust account
11 or neutral escrow depository within three business
12 days after receipt of the trust funds as required
13 by Section 2832 of the Regulations; and/or failed
14 to log such trust funds on a log of trust funds
15 received but not deposited to a trust account
16 as required by Section 2831 of the Regulations;
17 and,
- 18 (f) Failed to keep and retain copies of trust records
19 and material documents executed or obtained by
20 Respondent in connection with the management of
21 real properties, including but not limited to all
22 property management agreements with owners, and
23 all invoices for property-related expenses.

24 IX

25 In the conduct of the business activities referred to
26 above, Respondent engaged in activities for which a real estate
27 license is required under the fictitious business names of PIZZA

1 PROPERTY MANAGEMENT without a license for such name from the
2 Department.

3 X

4 In the conduct of the business activities referred to
5 above, some of Respondent's exclusive property management
6 agreements with property owners, including but not limited to
7 Singer and Jablonski, did not contain a definite, specified date
8 of final and complete termination.

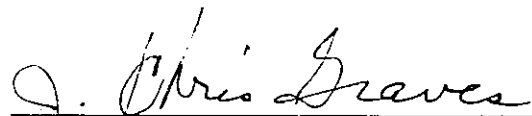
9 XI

10 The acts and/or omissions of Respondent as alleged
11 above constitute grounds for disciplinary action under the
12 following provisions:

- 13 (a) As to Paragraph VII, under Section 10145 of the
14 Code in conjunction with Section 10177(d) of the
15 Code;
- 16 (b) As to Paragraph VIII(a), under Section 10145 of
17 the Code and Section 2832 of the Regulations in
18 conjunction with Section 10177(d) of the Code;
- 19 (c) As to Paragraph VIII(b), under Section 2831 of the
20 Regulations in conjunction with Section 10177(d)
21 of the Code;
- 22 (d) As to Paragraph VIII(c), under Section 2831.2
23 of the Regulations in conjunction with Section
24 10177(d) of the Code;
- 25 (e) As to Paragraph VIII(d), under Section 2832.1
26 of the Regulations in conjunction with Section
27 10177(d) of the Code;

- 1 (f) As to Paragraph VIII(e), under Section 2832 and/or
2 Section 2831 of the Regulations in conjunction
3 with Section 10177(d) of the Code;
4 (g) As to Paragraph VIII(f), under Section 10148 of
5 the Code in conjunction with Section 10177(d) of
6 the Code;
7 (h) As to Paragraph IX, under Section 10159.5 of the
8 Code and Section 2731 of the Regulations in
9 conjunction with Section 10177(d) of the Code; and
10 (i) As to Paragraph X, under Section 10176(f) of the
11 Code.

12 WHEREFORE, Complainant prays that a hearing be
13 conducted on the allegations of this Accusation and that upon
14 proof thereof a decision be rendered imposing disciplinary action
15 against all license(s) and license rights of Respondent under the
16 Real Estate Law (Part 1 of Division 4 of the Business and
17 Professions Code), and for such other and further relief as may
18 be proper under other provisions of law.
19
20
21

22 
23 J. CHRIS GRAVES
24 Deputy Real Estate Commissioner
25

26 Dated at San Diego, California,
27 this 20th day of June, 2001