



BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

PAUL PHILIP IZIDORO,  
Respondent.

Case No. H-3058 SD

OAH No. L2004090401

**PROPOSED DECISION**

Administrative Law Judge Alan R. Alvord, State of California, Office of Administrative Hearings, heard this matter in San Diego, California on November 3, 2004.

Truly Sughrue, Real Estate Counsel, represented complainant.

Respondent Paul Philip Izidoro did not appear.

The matter was submitted on November 3, 2004.

**FACTUAL FINDINGS**

1. On August 18, 2004, J. Chris Graves Deputy Real Estate Commissioner, Department of Real Estate (the "department" or "complainant"), signed and submitted the Accusation in his official capacity.
2. The Accusation was mailed to respondent at his address of record on August 23, 2004. On September 9, 2004 respondent submitted a Notice of Defense and confirmed his mailing address. On September 20, 2004 notice of this hearing was mailed to respondent at his address of record and also mailed to respondent's broker. Notice of this proceeding was properly given to respondent.
3. In this action, the department seeks disciplinary action against respondent's real estate license based on his criminal convictions.
4. Respondent was licensed as a real estate salesperson by the department effective August 26, 2002. The license will expire on August 25, 2006.
5. On September 7, 2001, in San Diego Superior Court, respondent pled guilty and was convicted under California Penal Code section 242/243, subdivision (e)(1) (battery), a misdemeanor crime involving moral turpitude which is substantially related to the

qualifications, functions or duties of a real estate licensee.

6. On May 2, 2003, in San Diego Superior Court, respondent pled guilty and was convicted under California Penal Code section 273.6, subdivision (A) (violation of court order), a misdemeanor crime involving moral turpitude which is substantially related to the qualifications, functions or duties of a real estate licensee.

### LEGAL CONCLUSIONS

1. Business and Professions Code section 490<sup>1</sup> authorizes a board to suspend or revoke a license if the applicant has been convicted of a crime, if the crime is substantially related to the qualifications, functions or duties of the licensed business. Section 10177, subdivision (b) authorizes the department to suspend or revoke a license if the licensee has been convicted of a crime of moral turpitude.

2. Title 10 of the California Administrative Code, section 2910, subdivision (8) defines the type of conduct which is considered substantially related to the functions or duties of a licensee to include "Doing of any unlawful act . . . with the intent or threat of doing substantial injury to the person or property of another."


3. By reason of Factual Findings 2 through 6, cause exists to revoke respondent's real estate salesperson's license under sections 490 and 10177(b) based on his conviction in 2001 of battery.

4. By reason of Factual Findings 2 through 6, cause exists to revoke respondent's real estate salesperson's license under sections 490 and 10177(b) based on his conviction in 2003 of violations of a court order.

### ORDER

All licenses and licensing rights of Respondent Paul Phillip Izidoro's under the Real Estate Law are revoked.

DATED: 12/3/2004

  
ALAN R. ALVORD  
Administrative Law Judge  
Office of Administrative Hearings

<sup>1</sup> All statutory references are to the California Business and Professions Code unless otherwise indicated.

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

**FILED**

SEP 20 2004

DEPARTMENT OF REAL ESTATE

By Laurie G. Zi

*In the Matter of the Accusation of*

PAUL PHILLIP IZIDORO,

}  
}

Case No. H-3058 SD

OAH No.

*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, SUITE 6022, SAN DIEGO, CA 92101** on **WEDNESDAY, NOVEMBER 3, 2004**, at the hour of **9:00 A.M.**, 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 20, 2004

By Truly Sughrue  
TRULY SUGHRUE, Counsel (L2)

FILED

AUG 23 2004

DEPARTMENT OF REAL ESTATE

By Truly Sughrue

1 TRULY SUGHRUE, Counsel  
2 State Bar No. 223266  
3 Department of Real Estate  
4 P.O. Box 187007  
5 Sacramento, CA 95818-7007  
6 Telephone: (916) 227-0781

7  
8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of ) No. H-3058 SD  
12 PAUL PHILLIP IZIDORO, ) ACCUSATION  
13 Respondent. )

14  
15 The Complainant, J. CHRIS GRAVES, a Deputy Real Estate  
16 Commissioner of the State of California, for cause of Accusation  
17 against PAUL PHILLIP IZIDORO (hereinafter "Respondent"), is  
18 informed and alleges as follows:

19 I

20 The Complainant, J. CHRIS GRAVES, a Deputy Real Estate  
21 Commissioner of the State of California, makes this Accusation in  
22 his official capacity.

23 \\\

24 \\\

25 \\\

26 \\\

27 \\\

II

1 Respondent is presently licensed and/or has license  
2 rights under the Real Estate Law (Part 1 of Division 4 of the  
3 Business and Professions Code) (Code) as a real estate  
4 salesperson.  
5

III

6 On or about May 2, 2003, in the Superior Court, County  
7 of San Diego, Respondent was convicted of a violation of Section  
8 273.6(A) of the California Penal Code (Violation of Court Order),  
9 a crime involving moral turpitude which bears a substantial  
10 relationship under Section 2910, Title 10, California Code of  
11 Regulations, to the qualifications, functions, or duties of a  
12 real estate licensee.  
13

IV

14 On or about September 7, 2001, in the Superior Court,  
15 County of San Diego, Respondent was convicted of a violation of  
16 Section 242/243(e)(1) of the California Penal Code (Battery), a  
17 crime involving moral turpitude which bears a substantial  
18 relationship under Section 2910, Title 10, California Code of  
19 Regulations, to the qualifications, functions, or duties of a  
20 real estate licensee.  
21

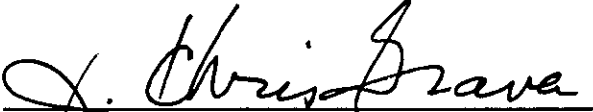
IV

22 The facts alleged above constitute cause under Sections  
23 490 and 10177(b) of the Code for suspension or revocation of all  
24 licenses and license rights of Respondent under the Real Estate  
25 Law.  
26

27 \\\

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

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 (Part 1 of Division 4 of the Business and Professions Code), and for such other and further relief as may be proper under the provisions of law.

  
J. CHRIS GRAVES  
Deputy Real Estate Commissioner

Dated at San Diego, California,  
this 18<sup>th</sup> day of August, 2004