

FILED

APR 29 2008.

DEPARTMENT OF REAL ESTATE

By R. Henry

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

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	
JACK ANTHONY BUCCIARELLI,)	No. H-3706 SD
Respondent.)	

ORDER EXTENDING TIME

On October 3, 2007, a Decision was rendered herein revoking the real estate salesperson license of Respondent, provided a restricted real estate salesperson license shall be issued to Respondent pursuant to Section 10156.5 of the Business and Professions Code if Respondent makes application therefore and pays to the Department of Real Estate the appropriate fee for the restricted license within 90 days from the effective date of this Decision. Respondent did not apply for a restricted real estate salesperson license.

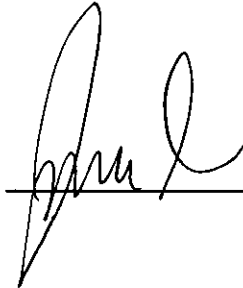
1 Good cause having been shown, the time during which
2 Respondent must complete the conditions described above is hereby
3 extended to July 31, 2008.

4 This Order shall be effective immediately.

5 DATED: 4-29-08, 2008

6 JEFF DAVI

7 Real Estate Commissioner

8
9
10
11 
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

FILED
OCT 3 - 2007

DEPARTMENT OF REAL ESTATE

By *Anne Shaver*

1 Department of Real Estate
2 P.O. Box 187007
3 Sacramento, CA 95818-7007
4
5 Telephone: (916) 227-0781

7 BEFORE THE DEPARTMENT OF REAL ESTATE

8 STATE OF CALIFORNIA

9 * * *

10 In the Matter of the Accusation of)
11 JACK A. BUCCIARELLI,)
12 Respondent.)

No. H-3706 SD

STIPULATION AND AGREEMENT

14 It is hereby stipulated by and between JACK A.
15 BUCCIARELLI (hereinafter "Respondent") and the Complainant,
16 acting by and through Truly Sughrue, Counsel for the Department
17 of Real Estate, as follows for the purpose of settling and
18 disposing of the Accusation filed on July 27, 2007 in this
19 matter:

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

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

5 3. Respondent filed a Notice of Defense pursuant to
6 Section 11505 of the Government Code for the purpose of
7 requesting a hearing on the allegations in the Accusation.
8 Respondent hereby freely and voluntarily withdraws said Notice of
9 Defense. Respondent acknowledges that he will thereby waive his
10 right to require the Commissioner to prove the allegations in the
11 Accusation at a contested hearing held in accordance with the
12 provisions of the APA and that he will waive other rights
13 afforded to him in connection with the hearing such as the right
14 to present evidence in defense of the allegations in the
15 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 in the
18 Accusation filed in this proceeding are true and correct and the
19 Real Estate Commissioner shall not be required to provide further
20 evidence to prove such allegations

21 5. It is understood by the parties that the Real
22 Estate Commissioner may adopt the Stipulation and Agreement as
23 his decision in this matter thereby imposing the penalty and
24 sanctions on Respondent's real estate license and license rights
25 as set forth in the below "Order". In the event that the
26 Commissioner in his discretion does not adopt the Stipulation and
27 Agreement in Settlement, it shall be void and of no effect, and

1 Respondent shall retain the right to a hearing and proceeding on
2 the Accusation under all the provisions of the APA and shall not
3 be bound by any admission or waiver made herein.

4 6. The Order or any subsequent Order of the Real
5 Estate Commissioner made pursuant to this Stipulation and
6 Agreement in Settlement shall not constitute an estoppel, merger
7 or bar to any further administrative or civil proceedings by the
8 Department of Real Estate with respect to any matters which were
9 not specifically alleged to be causes for accusation in this
10 proceeding as admitted or withdrawn.

11 DETERMINATION OF ISSUES

12 By reason of the foregoing stipulations, admissions,
13 and waivers and solely for the purpose of settlement of the
14 pending Accusation without hearing, it is stipulated and agreed
15 that the following Determination of Issues shall be made:

16 I

17 The acts and/or omissions of Respondent as described in
18 the Accusation, violate Sections 490 and 10177(b) of the Business
19 and Professions Code.

20 ORDER

21 I

22 All licenses and licensing rights of Respondent JACK A.
23 BUCCIARELLI under the Real Estate Law are revoked; provided,
24 however, a restricted real estate salesperson license shall be
25 issued to Respondent pursuant to Section 10156.5 of the Business
26 and Professions Code if Respondent makes application therefor and
27 pays to the Department of Real Estate the appropriate fee for the

1 restricted license within 90 days from the effective date of this
2 Decision. The restricted license issued to Respondent shall be
3 subject to all of the provisions of Section 10156.7 of the
4 Business and Professions Code an to the following limitations,
5 conditions and restrictions imposed under authority of Section
6 10156.6 of that Code:

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

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

18 3. Respondent shall not be eligible to apply for the
19 issuance of an unrestricted real estate license nor for removal
20 of any of the conditions, limitations or restrictions of a
21 restricted license until two years have elapsed from the
22 effective date of this Decision.

23 4. Respondent shall submit with any application for
24 license under an employing broker, or any application for
25 transfer to a new employing broker, a statement signed by the
26 prospective employing real estate broker on a form approved by
27 the Department of Real Estate which shall certify:

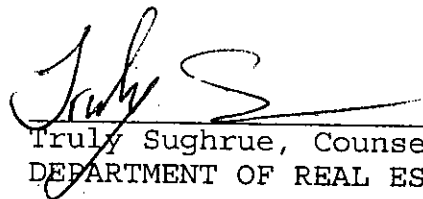
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

(a) That the employing broker has read the Decision of
the Commissioner which granted the right to a
restricted license; and

(b) That the employing broker will exercise close
supervision over the performance by the restricted
licensee relating to activities for which a real
estate license is required.

5. Respondent shall, within nine (9) months from the
effective date of this Order, present evidence satisfactory to
the Real Estate Commissioner that Respondent has, since the most
recent issuance of an original or renewal real estate license,
taken and successfully completed the continuing education
requirements of Article 2.5 of Chapter 3 of the Real Estate Law
for renewal of a real estate license. If Respondent fails to
satisfy this condition, the Commissioner may order the suspension
of the restricted license until Respondent presents such
evidence. The Commissioner shall afford Respondent the
opportunity for hearing pursuant to the Administrative Procedure
Act to present such evidence.

10-Sept-07
DATED


Trudy Sughrue, Counsel
DEPARTMENT OF REAL ESTATE

* * *

I have read the Stipulation and Agreement, have
discussed it with my counsel, and its terms are understood by
me and are agreeable and acceptable to me. I understand that I

1 am waiving rights given to me by the California Administrative
2 Procedure Act (including but not limited to Sections 11506,
3 11508, 11509, and 11513 of the Government Code), and I
4 willingly, intelligently, and voluntarily waive those rights,
5 including the right of requiring the Commissioner to prove the
6 allegations in the Accusation at a hearing at which I would
7 have the right to cross-examine witnesses against me and to
8 present evidence in defense and mitigation of the charges.

9
10 8/23/07
11 DATED

Jack A. Bucciarelli
12 JACK A. BUCCIARELLI
13 Respondent

14 * * *

14 The foregoing Stipulation and Agreement for Settlement
15 is hereby adopted by the Real Estate Commissioner as Decision and
16 Order and shall become effective at 12 o'clock noon on

17 OCT 23 2007

18 IT IS SO ORDERED EO-3-, 2007.

19 JEFF DAVI
20 Real Estate Commissioner

21 Jeff Davi
22
23
24
25
26
27

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
7 Telephone: (916) 227-0781

FILED
JUL 27 2007

DEPARTMENT OF REAL ESTATE
By Anne Shawver

7 BEFORE THE DEPARTMENT OF REAL ESTATE
8 STATE OF CALIFORNIA

9 * * *

10 In the Matter of the Accusation of) NO. H-3706 SD
11 JACK ANTHONY BUCCIARELLI,) ACCUSATION
12 Respondent.)

13
14 The Complainant, JOSEPH AIU, a Deputy Real Estate
15 Commissioner of the State of California, for cause of Accusation
16 against JACK ANTHONY BUCCIARELLI (hereinafter "Respondent"), is
17 informed and alleges as follows:

18 I

19 The Complainant, JOSEPH AIU, a Deputy Real Estate
20 Commissioner of the State of California, makes this Accusation in
21 his official capacity.

22 II

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

III

Respondent made application to the Department of Real Estate of the State of California for renewal of a real estate salesperson license on or about October 14, 2006.

IV

In Response to Question 3 of said application, to wit: "Within the past four year period, have you been convicted of any violation of law?" Respondent answered "No."

V

On or about February 22, 2006, in the Superior Court, County of San Diego, Respondent was convicted of a violation of Section 273.5(a) of the California Penal Code (Corporal Injury on Spouse), a misdemeanor and crime involving moral turpitude which bears a substantial relationship under Section 2910, Title 10, California Code of Regulations, to the qualifications, functions, or duties of a real estate licensee.

VI

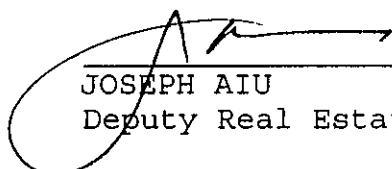
The facts alleged above constitute cause under Sections 490 and 10177(b) of the Code for suspension or revocation of all licenses and license rights of Respondent under the Real Estate Law.

VII

Respondent's failure to reveal the conviction set forth above in said renewal application constitutes the procurement of a real estate license by fraud, misrepresentation, or deceit, or

1 by making a material misstatement of fact in said application,
2 which failure is cause for denial of Respondent's application for
3 a real estate license under Sections 480(c) and 10177(a) of the
4 California Business and Professions Code.

5 WHEREFORE, Complainant prays that a hearing be
6 conducted on the allegations of this Accusation and that upon
7 proof thereof, a decision be rendered imposing disciplinary
8 action against all licenses and license rights of Respondent
9 under the Real Estate Law (Part 1 of Division 4 of the Business
10 and Professions Code), and for such other and further relief as
11 may be proper under the provisions of law.

12
13 
14 _____
15 JOSEPH AIU
16 Deputy Real Estate Commissioner

17 Dated at San Diego, California,
18 this 15 day of July, 2007
19
20
21
22
23
24
25
26
27