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FILED

JAN 27 2009

DEPARTMENT OF REAL ESTATE

By L. [Signature]

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of

PENNY LEE ROZZI,

Respondent.

No. H-7823 SF

ORDER DENYING REINSTATEMENT OF LICENSE

On May 29, 2002, a Decision was rendered in H-7823 SF revoking the real estate broker license of Respondent effective June 25, 2002.

On July 18, 2007, 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.

I have considered Respondent's petition and the evidence and arguments in support thereof. Respondent has failed to demonstrate to my satisfaction that Respondent has undergone sufficient rehabilitation to warrant the reinstatement of Respondent's real estate broker license.

The burden of proving rehabilitation rests with the petitioner (*Feinstein v. State Bar* (1952) 39 Cal. 2d 541). A petitioner is required to show greater proof of honesty and

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1 integrity than an applicant for first time licensure. The proof must be sufficient to overcome the
2 prior adverse judgment on the applicant's character (*Tardiff v. State Bar* (1980) 27 Cal. 3d 395).

3 The Department has developed criteria in Section 2911 of Title 10, California
4 Code of Regulations (herein "Regulations") to assist in evaluating the rehabilitation of an
5 applicant for reinstatement of a license. Among the criteria relevant in this proceeding are:

6 Section 2911(j) Discharge of, or bona fide efforts toward discharging, adjudicated
7 debts or monetary obligations to others.

8 On June 24, 2005 in the County of Monterey, a \$139 county tax lien was filed
9 against Respondent. There is no evidence this lien has been satisfied.

10 Section 2911(n) Change in attitude from that which existed at the time of the
11 conduct in question as evidenced by any or all of the following: (1) Testimony of applicant; (2)
12 Evidence from family members, friends or other persons familiar with applicant's previous
13 conduct and with his subsequent attitudes and behavioral patterns. (3) Evidence from probation
14 or parole officers or law enforcement officials competent to testify as to applicant's social
15 adjustments. (4) Evidence from psychiatrists or other persons competent to testify with regard to
16 neuropsychiatric or emotional disturbances. (5) Absence of subsequent felony or misdemeanor
17 convictions that are reflective of an inability to conform to societal rules when considered in light
18 of the conduct in question.

19 On October 14, 1999, in the Santa Cruz County Superior Court, Respondent was
20 convicted of Making Telephone Calls With Intent To Annoy in violation of Penal Code Section
21 653m, subdivision (a), a misdemeanor. Respondent attempted to extort \$120,000 from a 34 year
22 old neighbor she erroneously thought had sex with Respondent's 14 year-old daughter.
23 Respondent perpetrated a scheme to wrongfully threaten the victim with destruction of his
24 reputation and life in exchange for his payment of money to Respondent. At the hearing in Case
25 No. H-7823 SF, Respondent failed to accept responsibility for her criminal misconduct, thereby
26 demonstrating the absence of change in attitude. Respondent continued at the hearing to defame
27 the reputation of the victim.

1 Respondent discussed her crime with the Deputy Commissioner assigned to
2 review Respondent's petition. During that discussion Respondent failed to accept responsibility
3 for her criminal misconduct, again demonstrating the absence of change in attitude. Respondent
4 continued in the discussion to defame the reputation of the victim. While admitting she asked the
5 victim for money, Respondent claimed the victim's plan was to set it up with the police
6 investigator to make it appear Respondent was blackmailing the victim.

7 Respondent's statement to the assigned Deputy Commissioner offers no assurance
8 that, if reinstated, Respondent would not resume her misconduct. Respondent's effort now to
9 present a benign picture of her conduct should be received with great circumspection. What can
10 be learned from Respondent's statement is that she refuses, even now, to accept responsibility for
11 the events resulting in the revocation of her license.

12 The Department is charged with providing maximum protection to the public.
13 Where, as here, it has been determined based on reliable evidence that a licensee has engaged in
14 misconduct bearing on Respondent's fitness to interact safely with the public in Respondent's
15 capacity as a licensee, the Department must assess the risk that the licensee will either persist in
16 the type of conduct that resulted in the revocation or has learned a lesson and may be counted
17 upon to avoid further misconduct. Of the relevant criteria of rehabilitation listed in Regulation
18 2911, none is more important in predicting future behavior than the Respondent's "change in
19 attitude" from the time of the acts resulting in the revocation. In fact, virtually all of the criteria in
20 Regulation 2911 are an attempt to gauge whether the Respondent has so changed his or her
21 subjective outlook that a repetition of the offending conduct no longer seems likely. When a
22 Respondent evades blame for conduct resulting in revocation of the license, it is entirely rational
23 to infer that the Respondent is at much greater risk of re-offending than one who accepts
24 responsibility and shows remorse.

25 Clients who use a real estate agent to buy and sell their homes must be able to rely
26 upon information and advice offered by the agent. Here, there is an inadequate showing of any
27 change in Respondent's attitude. In the face of Respondent's denial of responsibility for

1 Respondent's misconduct, the only reasonable conclusion in this matter is denial of
2 reinstatement.

3 Since Respondent has not established that she has complied with Sections 2911(j)
4 and (n) of Title 10, California Code of Regulations, I am not satisfied that Respondent is
5 sufficiently rehabilitated to receive a real estate broker license.

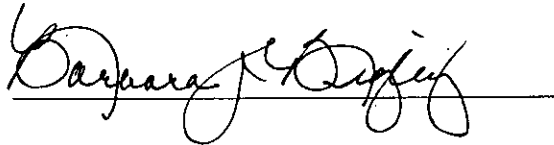
6 NOW, THEREFORE, IT IS ORDERED that Respondent's petition for
7 reinstatement of Respondent's real estate broker license is denied.

8 This Order shall become effective at 12 o'clock noon on FEB 16 2009

9 DATED: 12-30-08

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JEFF DAVI
Real Estate Commissioner



BY: Barbara J. Bigby
Chief Deputy Commissioner

FILED
JUN - 5 2002

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE
By Kathleen Contreras

* * *

In the Matter of the Accusation of)	
PENNY LEE ROZZI,)	NO. H-7823 SF
Respondent.)	OAH NO. N-2000060060
_____)	

DECISION

The Proposed Decision dated May 6, 2002, of the Administrative Law Judge of the Office of Administrative Hearings is hereby adopted as the Decision of the Real Estate Commissioner in the above-entitled matter.

The Decision suspends or revokes one or more real estate licenses on grounds of the conviction of a crime.

The right to reinstatement of a revoked real estate license or to the reduction of a suspension is controlled by Section 11522 of the Government Code. A copy of Section 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of Respondent.

This Decision shall become effective at 12 o'clock noon on June 25, 2002.

IT IS SO ORDERED May 29, 2002.

PAULA REDDISH ZINNEMANN
Real Estate Commissioner

Paula Reddish Zinnemann

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of:

PENNY LEE ROZZI,

Respondent.

Case No. H-7823 SF

OAH No. N 2000060060

PROPOSED DECISION

On September 13, 2000, and November 2, 2000, in Oakland, California, Perry O. Johnson, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter.

Larry A. Alamao, Assistant Chief Counsel, represented complainant Deputy Real Estate Commissioner Les R. Bettencourt.

Thomas S. Worthington, Attorney at Law, 215 West Alisal Street, Salinas, California 93901, and Robert M. Thomas, Thomas & Thomas, Attorneys at Law, 130 W. Gabilan Street, Salinas, California 93902, represented respondent Penny Lee Rozzi, who appeared at the hearing of this matter.

Before the parties submitted the matter, respondent pursued in superior court a writ of mandamus to require the record to receive certain evidence that had been ruled as lacking probative value ascribed by respondent. Complainant did not object to respondent's tactic of delaying the administrative adjudication proceeding, but stipulated with respondent to stay the administrative adjudication. Respondent expended many months in her quest of the judicial proceeding before the Superior Court in and for the County of Alameda. Around January 31, 2002, the superior court denied respondent's petition for a writ.

On December 1, 2000, OAH received respondent's Closing Argument. On March 4, 2002, respondent again filed written closing argument.

On the first business day in April 2002, complainant filed, via telefacsimile transmission, his written closing argument.

FACTUAL FINDINGS

1. Complainant Les R. Bettencourt ("complainant"), in his official capacity as a Deputy Real Estate Commissioner of the State of California, made the accusation against respondent Penny Lee Rozzi. Complainant signed the accusation on April 12, 2000. Complainant filed the Accusation on April 24, 2000.

2. For all times relevant to the accusation respondent Penny Lee Rozzi ("respondent") was licensed and had license rights as a real estate broker, under the Real Estate Law, Part 1 of Division 4 of the Business and Professions Code.

History of Criminal Conviction

3. On October 14, 1999, the California Superior Court in and for Santa Cruz County convicted respondent, on her plea of nolo contendere, of violating Penal Code section 653m, subdivision (a)¹ [Making Telephone Calls With Intent to Annoy], a misdemeanor.

4. The facts and circumstances, which underpin respondent's misdemeanor conviction, are far more egregious than the elements of the misdemeanor offense of "making annoying or obscene telephone call" for which the superior court accepted respondent's plea that led to her conviction. Evidence developed at the hearing of this matter shows respondent's criminal conduct to have involved a scheme to wrongfully threaten a man with destruction of his reputation and life in exchange for his payment of money to respondent.

Respondent's unethical and wrongful conduct grew out of her attempt over a four month span in early 1999 to extort from the man a sum of money initially sought by her at one hundred twenty thousand (\$120,000) dollars.

On August 31, 1999, the District Attorney for Santa Cruz County filed a Felony Criminal Complaint against respondent under the name "Penny Rozzi." The complaint set forth that in violation of Penal Code section 520 [Extortion] "on or about and between February 9, 1998, and May 23, 1999, [respondent] extorted money and other property from [Marc S.²] by means of force and threat. The criminal complaint followed

¹ "Every person who, with intent to annoy, telephones or makes contact by means of an electronic communication device with another and addresses to or about the other person any obscene language or addresses to the other person any threat to inflict injury to the person or property of the person addressed ... is guilty of a misdemeanor." Penal Code section 653m, subdivision (a).

² The initials of the names of crime victims of respondent are set out herein as "Marc S." and "Colleen K." to protect the privacy of those innocent individuals.

respondent's arrest on May 23, 1999, for the felony offense of provoking fear by use of threat.

5. The crime for which respondent was convicted involves moral turpitude and is substantially related to the qualifications, functions and duties of a real estate licensee.

6. As a result of the October 1999 conviction, the superior court stayed the judicial act of imposing a sentence upon respondent, but placed her on probation. The superior court set the term of probation at three years. The terms and conditions of the probation included an order for respondent's commitment to county jail for 60 days; however, the court recommended respondent engage in work release services in lieu of actual jail time. The court directed respondent to pay a fine to the California restitution fund in an amount of \$100. Additionally, the court commanded that respondent participate in a psychological counseling program for a 12-week period. Lastly, the court directed that respondent have no contact with the crime victims, namely Marc S. and Colleen K.

Matters in Extenuation

Respondent has a daughter who has a birth date of March 26, 1983.

Respondent has had a difficult experience as a single mother of the teenage daughter whose behavior suggests that the girl is emotionally or psychiatrically disturbed.

In 1997, respondent and her daughter met Marc S., who lived in a house across the street from respondent's dwelling. Respondent's daughter, who was then 14 years old, met at the house of Marc S. a man named Jerry Krantz ("Krantz"), who was then 44 years old. In late 1997 or early 1998, respondent's daughter and Krantz engaged in many instances of consensual sexual relations. Eventually, Krantz was convicted of a sex crime involving the juvenile girl and he went to state prison.

As for respondent's teenage daughter, she grew unmanageable, ran away, got thrown out of high school for being at school under the influence of alcohol and drug, so that by October 1998 she was committed to a group home of troubled girls. During the teenager's stay in the group home, on a date when respondent visited the girl, a group home staff person gave respondent a purported list³ of 22 names of boys and men (ranging in age from 13 to 44 years old) with whom the girl supposedly had had sexual relations. The pencil written list includes the name and age of Marc S. and gave his age

³ The list shows 10 individuals to be 18 years of age or older. The list has 10 teenagers characterized as "virgin."

at "34." Also, in late 1998, respondent discovered her daughter's diary, which had an unauthenticated entry that alluded to the girl having "slept" with Marc S.

Respondent erroneously inferred that Marc S. had engaged in sexual relations with her teenage daughter when the girl was 14 years old. Then respondent resolved to personally extract damages against Marc S., rather than contacting police regarding her suspicions.

Matters in Mitigation

8. Before her conviction, respondent had never suffered any criminal conviction.

9. Respondent contends that she has been a successful real estate professional who has a lengthy tenure in mortgage refinance business activities.

10. The Department has no record of complaints regarding respondent's involvement in fraud, theft or malfeasance in the performance of her real estate profession duties as a broker and agent.

Matters in Rehabilitation Following the October 1999 Conviction

11. On June 30, 2000, respondent completed the community service work furlough component of the probation term that arose from the October 1999 conviction. With permission of the Santa Cruz Court, respondent was able to fulfill the community service term in Monterey County, where respondent spent more than 300 hours at the Monterey Maritime Museum. Respondent performed the community service through the museum work beginning on October 18, 1999.

12. As a condition of probation from the conviction order, respondent enrolled on October 18, 1999, in a counseling program administered by Kathleen Dee Davis, a psychologist. Respondent attended the court directed psychological counseling for twelve sessions that ended on March 17, 2000.

Ms Gail Robbins appeared at the hearing. At the time of her appearance at the hearing in late 2000, Ms Robbins had known respondent since March 1998. Ms Robbins expresses admiration and support for respondent.

14. Respondent offers letters and hearsay declarations to supplement and explain⁴ the record. The documents express written sentiments over the signatures⁵ of six individuals.

Matters in Aggravation

15. Inspector Tisha Jones (formerly Tisha Byrd), of the Santa Cruz County District Attorney' Bureau of Inspectors, appeared at the hearing of this matter to provide credible and persuasive evidence.

Inspector Byrd participated in the criminal investigation of the man who went to prison for engaging in sex with the then 14-year-old daughter of respondent. During the investigation of the crime by the man named Krantz, Inspector Byrd interviewed Marc S. and concluded that he was not involved in any culpable manner with the unlawful sexual activities involving respondent's daughter.

In early 1999, Marc S. contacted the District Attorney for Santa Cruz County to complain that respondent was attempting to "blackmail" him. Inspector Byrd began an investigation that included placing a hidden recording device on Marc S. so as to discover criminal elements from respondent's statements to Marc S. The law enforcement eavesdropping upon respondent's statements to Marc S. prompted the investigators and police to arrest respondent and to file a criminal complaint against her, due to her extortion of Marc S.

16. Marc S. provided credible and compelling evidence at the hearing of this matter.

In December 1998 while he visited family members in Florida, Marc S. received a telephone call from respondent. During the telephone call, Marc S. first learned that respondent sought to threaten him with damage to his reputation and trouble with law enforcement due to a claim that he had engaged in sex with respondent's juvenile girl. Beginning in March 1999, respondent intensified her threats and she made a demand that Marc S. pay her \$5,000 per month for 20 months for a total of \$120,000 as money respondent supposedly would use to place the teenage girl in a boarding school.

Marc S. persuasively expresses he experienced victimization, abuse and vulnerability when respondent attempted to extort money from him.

⁴ Government Code section 11513, subdivision (d).

⁵ Letter, undated, by Renaut Van Der Riet, Youth Pastor, Shoreline Community Church; letter, dated March 6, 2000, by Mary Bray; letter, dated March 18, 2000, by Jan Smith, Maritime Museum of Monterey; letter, dated April 1, 2000, by Gail Robbins; Ofelia Gonzalez, Work Alternative Coordinator, County of Monterey; letter, dated March 17, 2000, by Kathleen Dee Davis, Ph.D.; Declaration, dated September 7, 2000, by Gail Robbins; Declaration, dated September 7, 2000, by Renaut Van Der Riet; and, Declaration, dated September 6, 2000, by Joseph Cotchett.

Matters that Indicate that Respondent Has Not Attained Rehabilitation

17. Respondent's conviction occurred on October 14, 1999, which is a period of time that is less than six months before the date of the Accusation in this matter.

18. Respondent remains in a status of criminal probation due to her criminal conviction. She will not end the period of probation until approximately October 13, 2002.

19. Respondent offers no evidence that the superior court has issued an order to expunge the conviction that culminated in this matter.

20. Other than attending church, currently respondent is not involved in significant and conscientious community, church or privately sponsored programs designed to provide social benefits or to ameliorate social problems.

21. No witness steps forward to offer evidence that respondent has expressed remorse for her past criminal misconduct. No witness states that respondent has shown empathy or regret for the mental anguish she inflicted upon the victims of her crime, especially Marc S.

22. Respondent does not accept full responsibility for her past criminal misconduct in attempting to extort money from a man she erroneously accused of engaging in illegal sexual acts with respondent's minor daughter. Rather, respondent continues at the hearing of this matter to defame the reputation of her crime victim – Marc S.

23. Respondent offers no evidence of the stability of her family life and in particular the arrangements she now has in coping with her daughter.

24. Respondent shows no change in attitude from that which existed at the time of the commission of the criminal acts that led to the October 1999 conviction. Respondent persists in wrongfully making false accusation against Marc S. as a man who has engaged in criminal sexual abuse of a juvenile girl.

Discussion

Respondent's continued attack upon her crime victim – Marc S. – reflects her defamation of the man's character and reputation.

Respondent's status in the community of Santa Cruz and the lack of a record that she had past criminal convictions led to a generous plea bargain that entailed respondent entering a plea of "no contest" to the offense of intentional making annoying telephone calls.

Ms Gail Robbins who appeared at the hearing does not offer evidence of a very probative nature. Although she is a nurse and she is self-employed under a business name "Mind/Body Connections – Health & Well Being Seminars," Ms Robbins is not competent in this matter as an expert witness to offer an opinion on either respondent's psychological motives or the authenticity of a pencil written list of names supposedly written by respondent's daughter. Moreover, Ms Robbins has a bias in respondent's favor due to respondent's work to refinance a mortgage loan held by Ms Robbins that led to significant savings of money by respondent's witness.

The opinions regarding respondent by psychologist Kathleen Dee Davis are not persuasive. Psychologist Davis offers opinions of dubious validity by offering that a paramount emotional disorder experienced by respondent has been "chronic, severe" post-traumatic stress disorder (PTSD). Dr. Davis' conclusions are flawed and ill founded. Her report pertaining to respondent is internally inconsistent⁶ and not supported by generally accepted principles pertaining to PTSD. The report by Dr. Davis is laden with speculation and unreliable accounts advanced by respondent. Hence, the report by Kathleen Dee Davis, Ph.D., has slight probative value in this matter.

The declarations by Joseph Colchett and Youth Pastor Renaut Van Der Riet offer scant facts regarding respondent's rehabilitation. The documents advance respondent's corrupt version of the unsubstantiated, alleged misconduct of Marc S., the victim of respondent's criminal extortion. Neither document describes any regret on respondent's part towards the emotional upheaval and aggravation suffered by Marc S.

Law enforcement personnel recorded respondent's prior inconsistent statements that show her criminal disposition in attempting to extort \$120,000 from Marc S. A transcript of law enforcement's secretly recorded conversation between respondent and Marc S. shows respondent's criminal intent by way of her reply to Marc S. when he said he did not have access to \$120,000. She said: "You have property. You have assets ... if you don't have [cash]. Fine. Sign the property over and I'll find assets ... Provide me the means ... then get on with your life...."

One of the more distressing features of this matter pertains to respondent's persistence to continue with the slanderous assertions that her crime victim had sexually molested respondent's teenage daughter. No competent evidence supports respondent's baseless charge against Marc S. Respondent's only information that imputes sexual misconduct to Marc S. is rank hearsay from, or associated with, respondent's daughter, who has been markedly impaired by emotional disorders and personality defects as well

⁶ At the first page of the report, Dr. Davis sets out that she first met respondent on February 26, 1999, when respondent took her daughter into the psychologist's office for biofeedback treatment to help the teenager with addictive tendencies. But at page 8 of the report, the psychologist asserts that she took respondent's mental stress profile when respondent "first arrived for treatment in February 1999."

as drug and alcohol abuse. However, Tisha Jones, an experienced investigator for the Santa Cruz prosecutor, conducted an investigation of the crime by Krantz, who did sexually contact the teenage girl. Ms Jones concluded that Marc S. was not involved in any sexual crime with the juvenile girl. Moreover, Marc S. presents himself at the hearing of this matter as a mature, honest and responsible individual who was shocked that his houseguest had taken sexual advantage of the teenage girl. Respondent's continued attempt to impugn guilt upon her crime victim indicates respondent has not attained rehabilitation, and she more likely than not is afflicted with a defect in character that precludes her in holding a real estate professional's license.

Respondent provides insubstantial evidence to assure the Department that she will avoid attempting to abuse some person in the future by a scheme to unlawfully take money or property of such person when respondent is again faced with stress associated with her daughter's irrational or unacceptable behavior.

LEGAL CONCLUSIONS

1. Business and Professions Code section 490 establishes that the Commissioner "may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions or duties of the business or profession for which the license was issued."

Business and Professions Code section 10177, subdivision (b) prescribes that the Commissioner may suspend or revoke the license of a real estate licensee when such person has "been convicted of ... a crime involving moral turpitude"

Cause for disciplinary action against the license issued to respondent exists under Business and Professions Code sections 490 and 10177(b), by reason of the matters set forth in Factual Findings 3 and 5.

2. The matters in extenuation, matters in mitigation, matters in rehabilitation, matters in aggravation and matters that indicate that respondent has not attained rehabilitation as set forth in Factual Findings 7 through 24 have been considered in making the following order.

3. Business and Professions Code section 10050 prescribes that "it is the principal responsibility of the [C]ommissioner to enforce all laws [comprising the Real Estate Law] ... in a manner which achieves the maximum protection of ... those persons dealing with real estate licensees."

An objective of the Commissioner in honoring the duty imposed by Code section 10050 is to maintain high level of public confidence in those persons licensed by the Department of Real Estate. *Golde v. Fox* (1979) 98 Cal.App.3d at 178 states that "[t]he real estate profession has, over a period of years, excluded unfit persons and as a result

thereof an appreciable amount of public trust and confidence has been built up. The public exposing themselves to a real estate licensee has reason to believe that the licensee must have demonstrated a degree of honesty and integrity in order to have obtained such a license.”

Because of fiduciary responsibilities exercised by real estate licensees, the Department is obligated to exclude dishonest individuals from licensure in order to assure that public confidence is maintained in those persons licensed as real estate professionals. “Where the occupation [of being a real estate professional is to] act as the agents and representatives of others and in a more or less confidential and fiduciary capacity, ... those [persons having licensed status] ... should have in a particular degree the qualifications of ‘honesty, truthfulness and good reputation....’ ” *Golde v. Fox*, supra, 98 Cal.App.3d at 177.

4. The Department has developed factors to assist the process of determining whether or not a crime committed by a licensee is substantially related to the qualifications, functions or duties of a real estate licensee. Included in the criteria set out in California Code of Regulations, title 10, section 2910, are misdeeds that involve “the fraudulent taking, obtaining, appropriating or retaining of funds or property belonging to another person.” Also, section 2910 includes misconduct that falls with acts of “doing of any unlawful act with the intent of conferring a financial or economic benefit upon the perpetrator or with the intent or threat of doing substantial injury to the person or property of another.” Moreover, subdivision (b) of section 2910 establishes that “the conviction of a crime constituting an attempt ... to commit any of the above enumerated acts or omissions is also deemed to be substantially related to the qualifications, functions or duties of a licensee of the department.”

Business and Professions Code section 493 sets forth, in part, that the Commissioner “may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, or duties of the licensee in question.”

The credible evidence through Inspector Tisha (Byrd) Jones, Marc S. and the transcripts of the secret recordings of statements made by respondent to Marc S. show by a clear and convincing degree that respondent attempted to fraudulently extract money from another individual, namely Marc S. The evidence shows that respondent engaged in an unlawful act against the interest of Marc S. so as to confer upon herself a financial or economic interest with the intent or threat of doing substantial injury to Marc S. or to his property interests.

6. By reason of the matters set out in Factual Findings 17 through 24, respondent has not presented the extent of competent evidence of her positive change from a past crime as to meet the majority of criteria for rehabilitation as set out in the

Department's guidelines under California Code of Regulations, title 10, section 2912. Hence, it would not be in the public interest to permit respondent to hold a real estate salesperson license, even on a restricted basis.

ORDER

All licenses and licensing rights of respondent Penny Lee Rozzi under the Real Estate Law are revoked.

DATED: May 6, 2002



PERRY O. JOHNSON
Administrative Law Judge
Office of Administrative Hearings

FILED
SEP 15 2000

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

DEPARTMENT OF REAL ESTATE

By Shelly Ely

In the Matter of the Accusation of

PENNY LEE ROZZI

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}

Case No. H-7823 SF

OAH No. N2000060060

Respondent

**FIRST CONTINUED
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, 1515 CLAY STREET, SUITE 206, OAKLAND, CALIFORNIA 94612 on THURSDAY--NOVEMBER 2, 2000, 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 15, 2000

By Larry Alamao
LARRY A. ALAMAO *Counsel*

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
MAY 31 2000

DEPARTMENT OF REAL ESTATE

By Laurie A. Zan

In the Matter of the Accusation of

PENNY LEE ROZZI,

}

Case No. H-7823 SF

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, 1515 Clay Street, Suite 206,
Oakland, CA 94612

on Wednesday, September 13, 2000, at the hour of 10:30 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: May 31, 2000

By Larry A. Alamao
LARRY A. ALAMAO Counsel

1 JAMES L. BEAVER, Counsel (SBN 60543)
2 DEPARTMENT OF REAL ESTATE
3 P. O. Box 187000
4 Sacramento, CA 95818-7000
5 Telephone: (916) 227-0789
6 (916) 227-0788 (Direct)

FILED
APR 24 2000

DEPARTMENT OF REAL ESTATE

Laurie A. Z...

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) No.: H-7823 SF
12 PENNY LEE ROZZI,) ACCUSATION
13 Respondent.)
14)

15 The Complainant, Les R. Bettencourt, a Deputy Real
16 Estate Commissioner of the State of California, for cause of
17 Accusation against PENNY LEE ROZZI (hereinafter "Respondent"), is
18 informed and alleges as follows:

19 I

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

24 II

25 The Complainant, Les R. Bettencourt, a Deputy Real
26 Estate Commissioner of the State of California, makes this
27 Accusation against Respondent in his official capacity.

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2 III

3 On or about October 14, 1999, in the Superior Court in
4 and for the County of Santa Cruz, Respondent was convicted of
5 violating Penal Code Section 653m(a), Making Telephone Calls With
6 Intent To Annoy, a misdemeanor, and a crime involving moral
7 turpitude which bears a substantial relationship under Section
8 2910, Title 10, California Code of Regulations (herein "the
9 Regulations"), to the qualifications, functions or duties of a
10 real estate licensee.

11 IV

12 The facts alleged above constitute cause under Sections
13 490 and 10177(b) of the Code for suspension or revocation of all
14 licenses and license rights of Respondent under the Real Estate
15 Law.

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

23 
24 LES R. BETTENCOURT
25 Deputy Real Estate Commissioner

26 Dated at Oakland, California,
27 this 12th day of April, 2000.