

FILED

June 16, 2014

BUREAU OF REAL ESTATE



By _____

1 TRULY SUGHRUE, Counsel
2 State Bar No. 223266
3 Bureau of Real Estate
4 P.O. Box 137007
5 Sacramento, CA 95813-7007

6 Telephone: (916) 263-8670
7 (916) 263-8676 (Direct)

8 Fax: (916) 263-3767

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10 BEFORE THE BUREAU OF REAL ESTATE
11 STATE OF CALIFORNIA

12 * * *

13 In the Matter of the Accusation of)
14 JAMES PETERSEN MARZONI,) No. H-11717 SF
15 Respondent.) ACCUSATION

16 The Complainant, ROBIN S. TANNER, a Deputy Real Estate Commissioner of
17 the State of California, for cause of Accusation against JAMES PETERSEN MARZONI
18 (Respondent), is informed and alleges as follows:

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20 The Complainant, ROBIN S. TANNER, a Deputy Real Estate Commissioner of
21 the State of California, makes this Accusation in her official capacity.

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

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On or about August 31, 2012, in the Superior Court of the State of California, County of San Mateo, Case No. NM400693, Respondent was convicted of violating Section 23152(b) of the California Vehicle Code (Driving Under the Influence with 2 Priors) and Section 148 of the California Penal Code (Resisting Officer), misdemeanors which bear a substantial relationship under Section 2910, Title 10, of the California Code of Regulations (Regulations) to the qualifications, functions or duties of a real estate licensee.

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On or about August 31, 2012, in the Superior Court of the State of California, County of San Mateo, Case No. SC074220A, Respondent was convicted of violating Section 23152(b) the California Vehicle Code (Driving Under the Influence with 3 Priors), a felony which bears a substantial relationship under Section 2910, Title 10, of the California Code of Regulations (Regulations) to the qualifications, functions or duties of a real estate licensee.

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The facts alleged above constitute grounds under Sections 490 and 10177(b) of the Code for suspension or revocation of all licenses and license rights of Respondent under Part 1 of Division 4 of the Code.

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At no time did Respondent provide notice of the above indictment, information, charging of a felony, and/or convictions to the Bureau as required by Section 10186.2 of the Code.

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The facts alleged above constitute cause under Sections 10177(d) and 10186.2 of the Code for suspension or revocation of Respondent's license under the Real Estate Law.

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MATTERS IN AGGRAVATION

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On or about July 16, 2009, in the Superior Court of the State of California, County of San Mateo, Case No. SM362328A, Respondent was convicted of violating Section 23152(a) the California Vehicle Code (Driving Under the Influence with a Prior), a misdemeanor.

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On or about October 15, 2002, in the Superior Court of the State of California, County of Santa Clara, Case No. BB258897, Respondent was convicted of violating Section 23152(a) the California Vehicle Code (Driving Under the Influence), a misdemeanor.

COST RECOVERY

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Section 10106 of the Code provides, in pertinent part, that in any order issued in resolution of a disciplinary proceeding before the Bureau, the Commissioner may request the Administrative Law Judge to direct a licensee found to have committed a violation of this part to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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 Code, for the cost of investigation and enforcement as permitted by law, and for such other and further relief as may be proper under the provisions of law.



ROBIN S. TANNER
Deputy Real Estate Commissioner

Dated at Oakland, California,
this 5th day of June, 2014

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DISCOVERY DEMAND

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Pursuant to Sections 11507.6, *et seq.* of the *Administrative Procedure Act*, the Bureau of Real Estate hereby makes demand for discovery pursuant to the guidelines set forth in the *Administrative Procedure Act*. Failure to provide Discovery to the Bureau of Real Estate may result in the exclusion of witnesses and documents at the hearing or other sanctions that the Office of Administrative Hearings deems appropriate.