

FILED

SEP 02 2014

BUREAU OF REAL ESTATE

By S. Black

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BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of)
JAMES PETERSEN MARZONI,)
Respondent.)

No. H-11717 SF

STIPULATION AND
AGREEMENT

It is hereby stipulated by and between JAMES PETERSEN MARZONI ("Respondent"), and the Complainant, acting by and through Truly Sughrue, Counsel for the Bureau of Real Estate (Bureau), as follows for the purpose of settling and disposing of the Accusation filed on June 16, 2014 in this matter:

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

2. Respondent has received, read and understands the Statement to Respondent, the Discovery Provisions of the APA and the Accusation filed by the Bureau in this proceeding.

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The acts and/or omissions of Respondent as described in the Accusation, violate Sections 490, 10177(b), 10186.2, and 10177(d) of the Business and Professions Code (Code).

ORDER

I

All licenses and licensing rights of Respondent JAMES PETERSEN MARZONI
under the Real Estate Law are revoked; provided, however, a restricted real estate salesperson
license shall be issued to Respondent pursuant to Section 10156.5 of the Code if Respondent
makes application therefor and pays to the Bureau the appropriate fee for the restricted license
within 90 days from the effective date of this Decision. The restricted license issued to
Respondent shall be subject to all of the provisions of Section 10156.7 of the Code and to the
following limitations, conditions and restrictions imposed under authority of Section 10156.6 of
that Code:

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

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

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

4. Respondent shall submit with any application for license under an
employing broker, or any application for transfer to a new employing broker, a statement signed

1 by the prospective employing real estate broker on a form approved by the Bureau which shall
2 certify:

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

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

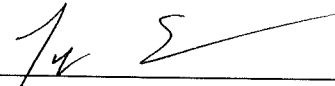
8 5. Respondent shall, within nine (9) months from the effective date of this
9 Order, present evidence satisfactory to the Commissioner that Respondent has, since the most
10 recent issuance of an original or renewal real estate license, taken and successfully completed the
11 continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal
12 of a real estate license. If Respondent fails to satisfy this condition, Respondent's real estate
13 license shall automatically be suspended until Respondent presents evidence satisfactory to the
14 Commissioner of having taken and successfully completed the continuing education requirement.
15 Proof of completion of the continuing education courses must be delivered to the Bureau of Real
16 Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013.

17 6. Respondent shall notify the Commissioner in writing within 72 hours of
18 any arrest by sending a certified letter to the Commissioner at the Bureau of Real Estate, Post
19 Office Box 137000, Sacramento, CA 95813-7000. The letter shall set forth the date of
20 Respondent's arrest, the crime for which Respondent was arrested and the name and address of
21 the arresting law enforcement agency. Respondent's failure to timely file written notice shall
22 constitute an independent violation of the terms of the restricted license and shall be grounds for
23 the suspension or revocation of that license.

24 7. Respondent shall regularly attend an alcohol abuse treatment or recovery
25 program, such as Alcoholics Anonymous or other formal program, at least once a week during
26 the term(s) of the restricted license. Proof of attendance shall be submitted with any Petition for
27 Reinstatement.

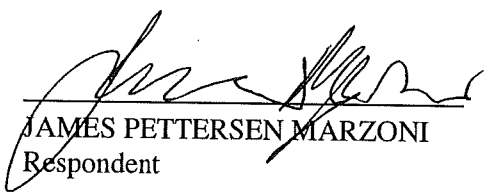
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22-July-14
DATED


TRULY SUGHRUE, Counsel
BUREAU 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 am waiving rights given to me by the APA (including but not limited to Sections 11506, 11508, 11509, and 11513 of the Government Code), and I willingly, intelligently, and voluntarily waive those rights, including the right of requiring the Commissioner to prove the allegations in the Accusation at a hearing at which I would have the right to cross-examine witnesses against me and to present evidence in defense and mitigation of the charges.

7/17/14
DATED


JAMES PETERSEN MARZONI
Respondent

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

SEP 23 2014

AUG 27 2014

IT IS SO ORDERED

Real Estate Commissioner



By: JEFFREY MASON
Chief Deputy Commissioner