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FILED

FEB 27 2010

DEPARTMENT OF REAL ESTATE

By L. Frost

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of

JOHN EDWARD PACCONE,

Respondent.

No. H-31066 LA

ORDER GRANTING REINSTATEMENT OF LICENSE

On November 8, 2005, a Decision was rendered herein revoking the real estate broker license of Respondent, but granting Respondent the right to the issuance of a restricted real estate broker license. A restricted real estate broker license was issued to Respondent on November 30, 2005 and Respondent has operated as a restricted licensee since that time.

On or about December 2, 2008, Respondent petitioned for reinstatement of said real estate broker license. The Attorney General of the State of California has been given notice of the filing of Respondent's petition.

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1 I have considered Respondent's petition and the evidence and arguments
2 submitted in support thereof. Respondent has demonstrated to my satisfaction that Respondent
3 meets the requirements of law for the issuance to Respondent of an unrestricted real estate broker
4 license and that it would not be against the public interest to issue said license to Respondent.

5 NOW, THEREFORE, IT IS ORDERED that Respondent's petition for
6 reinstatement is granted and that a real estate broker license be issued to Respondent, if
7 Respondent satisfies the following conditions within twelve (12) months from the date of this
8 Order:

- 9
- 10 1. Submittal of a completed application and payment of the fee for a real estate
11 broker license.
 - 12 2. Submittal of evidence of having, since the most recent issuance of an original
-13 or renewal real estate license, taken and successfully completed the continuing education
14 requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a license.

15 This Order shall be effective immediately.

16 Dated: 1-29-2010

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18 JEFF DAVI
19 Real Estate Commissioner
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1 Department of Real Estate
2 320 West 4th Street, Suite 350
3 Los Angeles, California 90013-1105

4 Telephone: (213) 576-6982

FILED
NOV 10 2005
DEPARTMENT OF REAL ESTATE

By Sandra B. Lim

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12)
13 JOHN EDWARD PACCONE,)
14)
Respondent.)

No. H-31066 LA
L-2004080294

STIPULATION AND AGREEMENT

15 It is hereby stipulated by and between JOHN EDWARD
16 PACCONE (sometimes referred to herein as "Respondent") and his
17 attorney of record, Charles T. Mathews, Esq., and the
18 Complainant, acting by and through Darlene Averetta, Counsel
19 for the Department of Real Estate, as follows for the purpose of
20 settling and disposing of the Accusation filed on July 14, 2004,
21 in this matter:

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

8 2. Respondent has received, read and understands the
9 Statement to Respondent, the Discovery Provisions of the APA and
10 the Accusation filed by the Department of Real Estate in this
11 proceeding.

12 3. On July 28, 2004, Respondent filed a Notice of
13 Defense pursuant to Section 11506 of the Government Code for
14 the purpose of requesting a hearing on the allegations in the
15 Accusation. Respondent hereby freely and voluntarily withdraws
16 said Notice of Defense. Respondent acknowledges that he
17 understands that by withdrawing said Notice of Defense,
18 Respondent will thereby waive his right to require the
19 Commissioner to prove the allegations in the Accusation at a
20 contested hearing held in accordance with the provisions of the
21 APA and that Respondent will waive other rights afforded to him
22 in connection with the hearing such as the right to present
23 evidence in defense of the allegations in the Accusation and
24 the right to cross-examine witnesses.
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1 4. Respondent, pursuant to the limitations set forth
2 below, hereby admits that the factual allegations of the
3 Accusation are true and correct and the Real Estate Commissioner
4 shall not be required to provide further evidence of such
5 allegations.

6 5. It is understood by the parties that the Real
7 Estate Commissioner may adopt the Stipulation as his Decision
8 in this matter thereby imposing the penalty and sanctions on
9 Respondent's real estate license and license rights as set forth
10 in the below "Order". In the event the Commissioner, in his
11 discretion, does not adopt the Stipulation, it shall be void and
12 of no effect, and Respondent shall retain the right to a hearing
13 and proceeding on the Accusation under all the provisions of the
14 APA and shall not be bound by any admission or waiver made
15 herein.
16

17 6. The Order or any subsequent Order of the Real
18 Estate Commissioner made pursuant to this Stipulation shall
19 not constitute an estoppel, merger or bar to any further
20 administrative or civil proceedings by the Department of Real
21 Estate with respect to any matters which were not specifically
22 alleged to be causes for accusation in this proceeding.

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DETERMINATION OF ISSUES

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

The conduct, acts and/or omissions of Respondent, as set forth in the Accusation is grounds for suspension or revocation of Respondent's real estate license and license rights under the provision of Sections 490 and 10177(b) of the Business and Professions Code.

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

1. All licenses and licensing rights of Respondent JOHN EDWARD PACCONE, under the Real Estate Law, are revoked; provided, however, a restricted real estate broker license shall be issued to Respondent pursuant to Section 10156.5 of Business and Professions Code if Respondent makes application therefor and pays to the Department of Real Estate the appropriate fee for said 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 Business and Professions Code and to the following limitations, conditions and restrictions imposed under authority of Section 10156.6 of that Code:

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

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

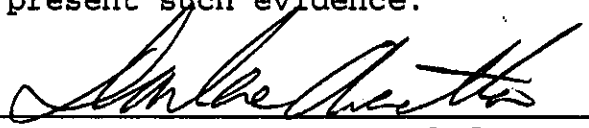
12 3. Respondent shall not be eligible to apply for
13 issuance of an unrestricted real estate license nor for the
14 removal of any of the conditions, limitations or restrictions
15 of a restricted license until two (2) years have elapsed from
16 the effective date of issuance of this Decision.

17 4. Respondent shall within nine (9) months from the
18 effective date of this Decision, present evidence satisfactory
19 to the Real Estate Commissioner that Respondent has, since the
20 most recent issuance of an original or renewal real estate
21 license, taken and successfully completed, the continuing
22 education requirements of Article 2.5 of Chapter 3 of the Real
23 Estate Law for renewal of a real estate license. If Respondent
24 fails to satisfy this condition, the Commissioner may order the
25 suspension of the restricted license until the Respondent
26 presents such evidence. The Commissioner shall afford
27

Respondent the opportunity for a hearing pursuant to the
Administrative Procedure Act to present such evidence.

DATED:

November 3, 2005


DARLENE AVERETTA, Counsel for
the Complainant, the Department
of Real Estate

* * *

I have read the Stipulation and Agreement and
have discussed it with my attorney. 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 California Administrative
Procedure Act (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.

Respondent can signify acceptance and approval of the terms
and conditions of this Stipulation and Agreement by faxing a
copy of its signature page, as actually signed by Respondent, to
the Department at the following telephone/fax number:

(213) 576-6917. Respondent agrees, acknowledges and understands
that by electronically sending to the Department a fax copy of
his actual signature as it appears on the Stipulation and
Agreement, that receipt of the faxed copy by the Department

1 shall be as binding on Respondent as if the Department had
2 received the original signed Stipulation and Agreement.

3 DATED: 05505


4 JOHN EDWARD PACCONE, Respondent

5 DATED: 9/16/05

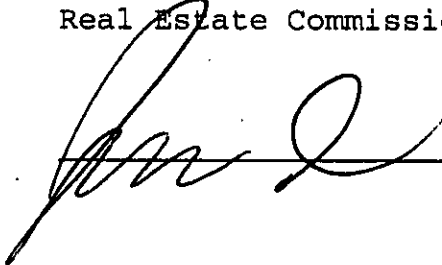

6 CHARLES T. MATHEWS, ESQ.
7 Attorney for Respondent
8 Approved as to Form and Content

9 * * *

10 The foregoing Stipulation and Agreement is hereby
11 adopted as my Decision in this matter and shall become effective
12 at 12 o'clock noon on NOV 30 2005.

13 IT IS SO ORDERED 11-8-05.

14 JEFF DAVI
15 Real Estate Commissioner
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Sacto

FILED
JAN 13 2005
DEPARTMENT OF REAL ESTATE

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

By Laura B. Oron

In the Matter of the Accusation of

JOHN EDWARD PACCONE,

}

Case No. H-31066 LA

OAH No. L-2004080294

Respondent

**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, 320 West Fourth Street, Suite 630, Los Angeles, California on **MARCH 3, 2005**, 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: January 13, 2005

By

CHRIS LEONG
CHRIS LEONG, Counsel

cc: John Edward Paccone
Charles T. Mathews, Esq.
Sacto.OAH

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

FILED
SEP 29 2004
DEPARTMENT OF REAL ESTATE

By *James B. Chen*

In the Matter of the Accusation of

JOHN EDWARD PACCONE,

}

Case No. H-31066 LA

OAH No. L-2004080294

Respondent

**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, 320 West Fourth Street, Suite 630, Los Angeles, California** on **NOVEMBER 9 2004**, at the hour of **11:00 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.

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DEPARTMENT OF REAL ESTATE

Dated: September 29, 2004

By

CHRIS LEONG
CHRIS LEONG, Counsel

cc: John Edward Paccone
Sacto.
OAH

Sacto
Joe

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

FILED
SEP - 8 2004
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of

JOHN EDWARD PACCONE,

} Case No. H-31066 LA

} OAH No. L-2004080294

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, 320 West Fourth Street, Suite 630, Los Angeles, California on **OCTOBER 1, 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 8, 2004

By

Chris Leong

CHRIS LEONG, Counsel

cc: John Edward Paccone
Sacto.
OAH

facts page

1 CHRIS LEONG, Counsel (SBN 141079)
2 Department of Real Estate
3 320 West Fourth Street, Suite 350
4 Los Angeles, CA 90013-1105
5
6 Telephone: (213) 576-6982
7 -or- (213) 576-6910 (Direct)

FILED
JUL 14 2004
DEPARTMENT OF REAL ESTATE
By Laura B. Stone

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of	)	No. H- 31066 LA
12 JOHN EDWARD PACCONE,	)	<u>A C C U S A T I O N</u>
13 Respondent.	)	
14	)	

15 The Complainant, Maria Suarez, a Deputy Real Estate
16 Commissioner of the State of California, for cause of Accusation
17 against JOHN EDWARD PACCONE (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.

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II

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, makes this Accusation against Respondent in her official capacity.

CONVICTIONS

III

On or about July 25, 2002, in the Municipal Court of LASC - Glendale Courthouse Judicial District, County of Los Angeles, State of California, Case No. 2GL00037, Respondent was convicted of violating one count each of Section 273.5 of the California Penal Code (PC) (Inflicting corporal injury on spouse), and Section 243(E)(1) PC (Battery against spouse/fiance), crimes involving moral turpitude which are substantially related to the qualifications, functions and duties of a real estate licensee. Respondent was sentenced to probation for three (3) years.

IV

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

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

10 Dated at Los Angeles, California

11 this 7th day of July, 2004.

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13 
14 Deputy Real Estate Commissioner
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23

24 cc: John Edward Paccone
25 Suárez
26 Sacto.
27 RGD