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FILED

DEPARTMENT OF REAL ESTATE

AUG 26 2010

STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

BY: *K. Meberke*

* * * * *

In the Matter of the Accusation of)	No. H-36281 LA
)	
RONALD F. PIETRO,) L-2010011236
) Respondent.)
))

DECISION

The Proposed Decision dated August 9, 2010 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.

Pursuant to Section 11517(c)(2)(C) of the Government Code, the following corrections are made:

Caption, page 1, the spelling of Respondent's name is corrected to read "PIETRO".

Second paragraph, page 1, the spelling of Complainant's counsel's first name is corrected to read "Elliott".

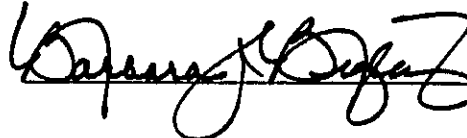
The Decision suspends or revokes one or more real estate licenses on grounds of the conviction of a crime.

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 SEP 15 2010.

IT IS SO ORDERED 8/23/2010

JEFF DAVI
Real Estate Commissioner



BY: Barbara J. Bigby
Chief Deputy Commissioner

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of:

RONALD F. PEITRO,

Respondent.

Case No. H-36281 LA

OAH No. 2010011236

PROPOSED DECISION

Administrative Law Judge N. Gregory Taylor, Office of Administrative Hearings, State of California, heard this matter in Los Angeles, California on July 8, 2010.

Elliot Mac Lennan, Staff Counsel, represented Maria Suarez (Complainant), a Deputy Real Estate Commissioner in the Department of Real Estate (Department), State of California.

Fredrick M Ray, Attorney at Law, represented Ronald F. Pietro (Respondent).

Oral and documentary evidence was received and the matter argued.

The case was submitted for decision on July 9, 2010.

The Administrative Law Judge hereby makes his factual findings, legal conclusions, and orders, as follows:

FACTUAL FINDINGS

1. Complainant filed the Accusation in this proceeding in her official capacity.
2. At all times herein mentioned, Respondent was and still is licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the California Business and Professions Code) as a real estate salesperson. Respondent was first licensed as a real estate salesperson on February 3, 1977. His license expires December 1, 2012, unless renewed.

3. On March 11, 2009, in the California Superior Court, Los Angeles County, Respondent, upon his nolo contendere plea, Respondent was convicted of violating Penal Code section 245, subdivision (a) (1), assault upon the person of another with an instrument other than a firearm or by any means likely to produce great bodily injury, a misdemeanor. The court suspended the imposition of sentencing and placed Respondent on summary probation for a period of three years under certain terms and conditions including paying a fine and fees of \$150.00 and serving five days in the county jail with credit for time served. This action was the result of a plea agreement between Respondent and the District Attorney. Respondent was originally charged with violating Penal Code section 261, subdivision (a) (4), rape of an unconscious person, a felony. The jury was unable to reach a verdict. On the eve of a retrial (March 10, 2008), a plea agreement was reached. Respondent agreed to plead nolo contendere to an amended charge of violating Penal Code section 245, subdivision (a) (1), initially as a felony. At that point, sentencing and probation was postponed for a period of one year. If Respondent remained free of any new charges and obeyed all laws during the interim, Respondent was permitted to change his plea to a misdemeanor and the probation and sentencing would then occur. Respondent had no further criminal problems during the ensuing year and the above order was entered. The parties stipulated to the procedures and the court found that there was a factual basis for Respondent's plea. Respondent has paid the monetary amount and remains on probation until 2012.

4. The facts and circumstances surrounding Respondent's conviction are as follows: The events occurred in September 2005. Respondent was single at that time and was using an internet dating service to meet ladies. He struck up an acquaintance with one such lady. He persuaded her to meet with him. When they did meet he was able to persuade her to have drinks with him at his apartment. After the second drink the lady felt sick and went to Respondent's bedroom where she fell asleep on Respondent's bed. She awoke in the early hours of the morning to find Respondent thrusting his penis into her. She could not move her body and fell back to sleep. When she finally awoke Respondent asked her to masturbate him. She stated that she was afraid not to do so and accommodated his request. She then dressed and left the premises. Respondent walked her to her car assuring her that she had not been raped. Upon returning home the lady called the police the following afternoon and reported the incident.

5. The lady involved in the incident with Respondent is employed as a social worker for a governmental agency. She often works with police and investigates cases involving children in her job. She stated that this was the first time she had met Respondent and the first time that she had been persuaded to go to a man's apartment on the first date. She has not seen Respondent again except in court. She filed a lawsuit against Respondent over the event but withdrew it because she did not want her deposition taken prior to the criminal trial in the matter.

6. The lady was a credible witness. Her answers were direct and candid.

7. Respondent's fiancé testified on Respondent's behalf. They have been living together for more than five years. She stated that Respondent has always been a complete gentleman. She has never seen him violent. Her knowledge of the lady involved in Respondent's criminal conviction was what she had been told by Respondent.

8. Respondent has two children from a prior marriage. They are 30 and 27 years old respectively.

9. Respondent is a graduate of Chapman University. He has also taken courses at the University of Southern California.

10. Respondent has had a license from the Department for the past thirty three years. There has been no prior license discipline or complaints against him or his license.

11. Respondent belongs to the Chamber of Commerce, Board of Realtors, and several church related organizations. He does volunteer work with the elderly and at the Battered Women's Center.

12. Respondent submitted seven letters of recommendation from long time friends and business associates. Two of these persons personally testified. They were in agreement that Respondent was a man of integrity and strong work ethic. They considered him a valued and special friend. (None of them had personal knowledge of the circumstances surrounding Respondent's criminal conviction except for what they had been told by Respondent.)

LEGAL CONCLUSIONS

1. These proceedings are brought under the provisions of Business and Professions Code section 10100 et seq. and Government Code sections 11500 through 11528.

2. Pursuant to the provisions of the California Code of Regulations, title 10, section 2910, subdivision (8), Respondent's 2009 criminal conviction set forth in Factual Findings 3 through 6, bears a substantial relationship to the qualifications, functions or duties of a real estate licensee in that it involved doing an unlawful act with the intent or threat of doing substantial injury to the person of another

3. The 2009 crime of which Respondent was convicted, described in Factual Findings 4 through 6, constitutes cause for the suspension or revocation of all licenses and license rights of Respondent from the Department, pursuant to the provisions of Business and Professions Code sections 490 and 10177, subdivision (b).

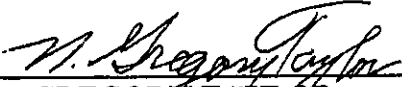
4. The Department's Criteria of Rehabilitation, set forth in California Code of Regulations, title 10, section 2912 the factors to be considered in evaluating the rehabilitation of a licensee against whom an administrative disciplinary proceeding for

revocation or suspension of the license has been initiated on account of a crime committed by the licensee. Under the criteria, two years are required to have elapsed since the latest criminal conviction. In this case it has not been two years since the entry of judgment, although the facts upon which it is based occurred in 2005. Respondent remains on probation for offense. The conviction has not been expunged. He has not accepted responsibility for the crime. From the foregoing it is seen that more time is required to evaluate Respondent's rehabilitation.

ORDER

All licenses and licensing rights of Respondent Ronald F. Pietro, under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code), are revoked.

Dated: August 9, 2010.



N. GREGORY TAYLOR
Administrative Law Judge
Office of Administrative Hearings

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FILED
SEP 28 2009
DEPARTMENT OF REAL ESTATE

K. M. ...

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) No. H-36281 LA
)
RONALD F. PIETRO,) A C C U S A T I O N
)
Respondent.)

The Complainant, Maria Suarez, a Deputy Real Estate
Commissioner of the State of California, for cause of Accusation
against RONALD F. PIETRO, aka Ronald Steven Pietro, Ron Francis
Pietro, Ronald Francis Pittro ("Respondent") alleges as follows:

1.

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

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2.

1 Respondent is presently licensed and/or has license
2 rights under the Real Estate Law, Part 1 of Division 4 of the
3 California Business and Professions Code ("Code"), as a real
4 estate salesperson.
5

6 3.

7 (CRIMINAL CONVICTION)

8 On or about March 11, 2009, in the Superior Court of
9 California, County of Los Angeles, in case no. LA052720,
10 Respondent was convicted of violating Penal Code Section
11 245(a)(1) (Assault By Means of Force Likely to Produce Great
12 Bodily Harm), a misdemeanor. This crime is substantially
13 related to the qualifications, functions or duties of a real
14 estate licensee under Section 2910, Title 10, Chapter 6,
15 California Code of Regulations.
16

17 4.

18 The crime of which Respondent was convicted, as
19 described in Paragraph 3 above, constitutes cause under Sections
20 490 and 10177(b) of the Code for the suspension or revocation of
21 the license and license rights of Respondent under the Real
22 Estate Law.

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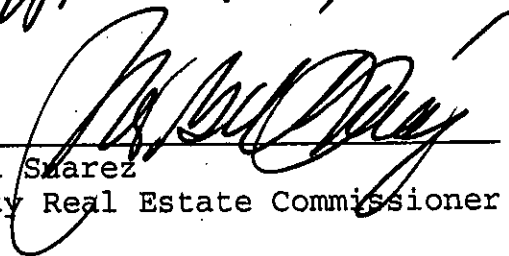
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1 WHEREFORE, Complainant prays that a hearing be
2 conducted on the allegations of this Accusation and that upon
3 proof thereof, a decision be rendered imposing disciplinary
4 action against all the licenses and license rights of
5 Respondent, RONALD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

9 Dated at Los Angeles, California

September 17, 2009.


Maria Suarez
Deputy Real Estate Commissioner

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25 cc: RONALD F. PIETRO
26 Maria Suarez
27 Sacto.