

By

1 3. Respondent filed a Notice of Defense pursuant to Section 11506 of the
2 Government Code for the purpose of requesting a hearing on the allegations in the Accusation.
3 Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent
4 acknowledges that he understands that by withdrawing said Notice of Defense Respondent
5 thereby waives his right to require the Commissioner to prove the allegations in the Accusation
6 at a contested hearing held in accordance with the provisions of the APA and that Respondent
7 will waive other rights afforded to him in connection with the hearing such as the right to present
8 evidence in his defense, and the right to cross-examine witnesses.

9 4. Respondent, pursuant to the limitation set forth below, hereby admits that the
10 factual allegations as set forth in the Accusation filed in this proceeding are true and correct and
11 the Real Estate Commissioner shall not be required to provide further evidence of such
12 allegations.

13 5. It is understood by the parties that the Real Estate Commissioner may adopt
14 this Stipulation as his Decision in this matter thereby imposing the penalty and sanctions on
15 Respondent's real estate license and license rights as set forth in the below "Order." In the event
16 that the Commissioner in his discretion does not adopt the Stipulation, the Stipulation shall be
17 void and of no effect and Respondent shall file a Notice of Defense for a hearing and proceed on
18 the Accusation under the provisions of the APA and shall not be bound by any stipulation or
19 waiver made herein.

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

24 DETERMINATION OF ISSUES

25 By reason of the foregoing stipulations and waivers and solely for the purpose of
26 settlement of the pending Accusation without a hearing, it is stipulated and agreed that the
27 following determination of issues shall be made:

The conduct, acts or omissions of Respondent ANTHONY M. ACCETTA, JR, as set forth in the Accusation, are a basis for discipline of Respondent's licenses and licensing rights as violations of the Real Estate Law, Part 1 of Division 4 of the Business and Professions Code sections 490 and 10177(b).

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

I.

All licenses and licensing rights of Respondent ANTHONY M. ACCETTA, JR 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 Department the appropriate fee for the restricted license within ninety (90) days from the effective date of this Decision and Order. 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 Real Estate 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 petition for the issuance of any unrestricted real estate license nor for removal of any of the conditions, limitations or restrictions of a restricted license until four (4) years have elapsed from the effective date of this Decision and

1 Order. Respondent shall not be eligible to apply for any unrestricted licenses until all restrictions
2 attaching to the license have been removed

3 4. Respondent shall submit with any application for license under an employing
4 broker, or any application for transfer to a new employing broker, a statement signed by the
5 prospective employing real estate broker on a form approved by the Department which shall
6 certify:

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

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

12 II.


13 Respondent shall notify the Commissioner in writing within seventy-two (72)
14 hours of any arrest by sending a certified letter to the Commissioner at the Department of Real
15 Estate, P.O. Box 137013, Sacramento, CA 95813-7013. The letter shall set forth the date of
16 Respondent's arrest, the crime for which Respondent was arrested and the name and address of
17 the arresting law enforcement agency. Respondent's failure to timely file written notice shall
18 constitute an independent violation of the terms of the restricted license and shall be grounds for
19 the suspension and revocation of that license.

20 III.

21 All licenses and licensing rights of Respondent are indefinitely suspended unless
22 or until Respondent pays the sum of \$1,771.65 for the Commissioner's reasonable costs of the
23 investigation (\$1,378.05) and enforcement (\$393.60), which led to this disciplinary action. Said
24 payment shall be in the form of a cashier's check made payable to the Department of Real
25 Estate. The investigative and enforcement costs must be delivered to the Department of Real
26 Estate, Flag Section, at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective
27

1 date of this Decision and Order.

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3 DATED: 10-12-2023

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Judith A. Buranday, Counsel for
Department of Real Estate

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6 EXECUTION OF THE STIPULATION

7 I have read the Stipulation and its terms are understood by me and are agreeable
8 and acceptable to me. I understand that I am waiving rights given to me by the California
9 Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509 and
10 11513 of the Government Code), and I willingly, intelligently and voluntarily waive those rights,
11 including the right of requiring the Commissioner to prove the allegations in the Accusation at a
12 hearing at which I would have the right to cross-examine witnesses against me and to present
13 evidence in defense and mitigation of the charges.

14 Respondent shall mail the original signed signature page of the stipulation herein
15 to Judith B. Vasan, Attention: Legal Section, Department of Real Estate, 320 W. Fourth St.,
16 Suite 350, Los Angeles, California 90013-1105.

17 In the event of time constraints before an administrative hearing, Respondent can
18 signify acceptance and approval of the terms and conditions of this Stipulation and Agreement
19 by emailing a scanned copy of the signature page, as actually signed by Respondent, to the
20 Department counsel assigned to this case. Respondent agrees, acknowledges, and understands
21 that by electronically sending the Department a scan of Respondent's actual signature as it
22 appears on the Stipulation and Agreement that receipt of the scan by the Department shall be
23 binding on Respondent as if the Department had received the original signed Stipulation and
24 Agreement.


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1 Respondent's signature below constitutes acceptance and approval of the terms
2 and conditions of this Stipulation. Respondent agrees, acknowledges and understands that by
3 signing this Stipulation, Respondent is bound by its terms as of the date of such signatures and
4 that this agreement is not subject to rescission or amendment at a later date except by a separate
5 Decision and Order of the Real Estate Commissioner.

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7
8 DATED: 10/12/2023


9 ANTHONY M. ACCETTA, JR
10 Respondent

11 * * *

12 The foregoing Stipulation and Agreement is hereby adopted as my Decision as to
13 Respondent ANTHONY M. ACCETTA, JR and shall become effective at 12 o'clock noon on
14 NOV 21 2023

15 IT IS SO ORDERED 10/24/23

16
17 DOUGLAS R. McCAULEY
18 REAL ESTATE COMMISSIONER

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20 
21 for Doug McCauley