

FILED

MAR 27 2024

DEPT. OF REAL ESTATE

By

Department of Real Estate
320 West 4th Street, Suite 350
Los Angeles, California 90013

(213) 576-6982

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
) NO. H-42803 LA
JOHN ANTHONY VITTI,) STIPULATION AND AGREEMENT
) (B & P § 10100.4)
Respondent.)

I, JOHN ANTHONY VITTI, ("Respondent") hereby affirm that I am presently licensed and/or have license rights under the Real Estate Law, Part 1, of Division 4, of the California Business and Professions Code ("Code") as a real estate salesperson. My real estate salesperson license number is 01972247.

I have been informed by the Department of Real Estate that I am the subject of an investigation of possible violations of the Real Estate Law, Sections 10000 et seq., of the Code, and Regulations of the Real Estate Commissioner, Title 10, Chapter 6, of the California Code of Regulations, which could result in the filing of an Accusation to revoke or suspend my real estate license, and pursuant to Code Section 10100.4, I wish to enter into this Stipulation and Agreement ("Stipulation").

I acknowledge that that by entering into this Stipulation, I am stipulating that the

STIPULATION AND AGREEMENT

1 Real Estate Commissioner ("Commissioner") has found grounds to file an Accusation to revoke
2 or suspend my real estate license and license rights pursuant to Section 10177(b) of the Code
3 based on June 21, 2021 convictions for violation of Vehicle Code section 23152(a) (driving
4 under the influence of alcohol), violation of Vehicle Code section 23152(b) (driving with blood
5 alcohol of 0.08% or more); and violation of Vehicle Code section 20002(a) (hit and run with
6 property damage), all misdemeanors, in the Superior Court of California, County of Orange,
7 Case No. 22HM08600.

8 I understand that by agreeing to this Stipulation and Agreement, I agree to pay,
9 pursuant to Section 10106 of the Code, the cost of the investigation and enforcement which
10 resulted in the determination that the Commissioner has grounds to file an Accusation to revoke
11 or suspend my real estate license and license rights pursuant to Code Section 10177(b). The total
12 amount of said costs is \$688.95.

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

17 I hereby request that the Commissioner in his discretion revoke my real estate
18 salesperson license and licensing rights, and under the authority of Code Section 10100.4, issue a
19 restricted real estate salesperson license to me pursuant to Code Section 10156.5 if I make
20 application therefore and pay to the Department of Real Estate the appropriate fee for the
21 restricted license within ninety (90) days of the effective date of the below Decision and Order
22 adopting this Stipulation. I understand that any such restricted license will be issued subject to
23 the provisions and limitations of Code Sections 10156.6 and 10156.7.

24 I understand that by my signing of this Stipulation, provided this Stipulation is
25 accepted and signed by the Commissioner, the Commissioner will not file an Accusation based
26 on the grounds herein, and I am waiving my right to a hearing and the opportunity to present
27

STIPULATION AND AGREEMENT

1 evidence at the hearing to establish my rehabilitation in order to maintain an unrestricted real
2 estate salesperson license.

3 I further understand that the following conditions, limitations, and restrictions will
4 attach to a restricted real estate salesperson license issued by the Department of Real Estate
5 pursuant hereto:

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

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

14 3. Respondent shall not be eligible to apply for the issuance of any unrestricted
15 real estate license nor for the removal of any of the conditions, limitations or restrictions of a
16 restricted license until three (3) years have elapsed from the effective date of the Decision and
17 Order. Respondent shall not be eligible to apply for any unrestricted licenses until all restrictions
18 attaching to the license have been removed.

19 4. Respondent shall submit with any application for license under an employing
20 broker, or any application for transfer to a new employing broker, a statement signed by the
21 prospective employing real estate broker on a form approved by the Department of Real Estate
22 which shall certify:

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

25
26
27

STIPULATION AND AGREEMENT

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

4 5. Respondent shall, within nine (9) months from the effective date of this
5 Decision and Order, present evidence satisfactory to the Commissioner that Respondent has,
6 since the most recent issuance of an original or renewal real estate license, taken and successfully
7 completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate
8 Law for renewal of a real estate license. If Respondent fails to satisfy this condition, the
9 Commissioner may order the suspension of the restricted license until the Respondent presents
10 such evidence. The Commissioner shall afford Respondent the opportunity for a hearing
11 pursuant to the Administrative Procedure Act to present such evidence. Proof of completion of
12 the continuing education courses must be delivered to the Department of Real Estate, Flag
13 Section at P.O. Box 137013, Sacramento, CA 95813-7013.

14 6. Respondent shall notify the Commissioner in writing within seventy-two (72)
15 hours of any arrest by sending a certified letter to the Commissioner at the Department of Real
16 Estate, Post Office Box 137013, Sacramento, CA 95813-7000. The letter shall set forth the date
17 of Respondent's arrest, the crime for which Respondent was arrested and the name and address
18 of the arresting law enforcement agency. Respondent's failure to timely file written notice shall
19 constitute an independent violation of the terms of the restricted license and shall be grounds for
20 the suspension or revocation of that license.

21 7. Pursuant to Section 10106 of the Code, Respondent shall, within six (6) months
22 from the effective date of this Decision and Order, pay the sum of \$688.95 for the
23 Commissioner's reasonable cost of the investigation and enforcement which resulted in the
24 determination that the Commissioner has grounds to file an Accusation to revoke or suspend
25 Respondent's real estate license. Said payment shall be in the form of a cashier's check or
26 certified check made payable to the Department of Real Estate. The investigative and
27

STIPULATION AND AGREEMENT

1 enforcement costs must be delivered to the Department of Real Estate, Flag Section, at P.O. Box
2 137013, Sacramento, CA 95813-7013, within six (6) months from the effective date of this
3 Decision and Order.

4 (a) The Commissioner shall suspend the license(s) of Respondent pending a
5 hearing held in accordance with Section 11500, et. seq., of the California Government Code, if
6 payment is not timely made as provided for herein, or as provided for in a subsequent agreement
7 between the Respondent and the Commissioner. The Commissioner shall afford Respondent the
8 opportunity for a hearing pursuant to the APA to present such evidence that payment was timely
9 made. The suspension shall remain in effect until payment is made in full or until a decision
10 providing otherwise is adopted following a hearing held pursuant to this condition.

11 I have read this Stipulation, herein, and its terms are understood by me, and are
12 agreeable and acceptable to me. I understand that I am waiving rights given to me by the
13 California Administrative Procedure Act (including, but not limited to, California Government
14 Code sections 11504, 11506, 11508, 11509, and 11513), and I willingly, intelligently, and
15 voluntarily waive those rights, including, but not limited to, the right to a hearing on an
16 Accusation at which I would have the right to cross-examine witnesses against me and to present
17 evidence in defense and mitigation of the charges.

18 I agree, acknowledge and understand that by signing this Stipulation I am bound
19 by its terms as of the date of such signature and that such agreement is not subject to rescission
20 or amendment at a later date except by a separate Decision and Order of the Commissioner.

21
22 2/26/2024
Date

23 
JOHN ANTHONY VITTI, Respondent

24 Respondent can signify acceptance and approval of the terms and conditions of
25 this Stipulation and Agreement by sending a hard copy of the original signed signature page(s) of
26 the Stipulation herein to Andrea Bentler, Legal Section, Department of Real Estate, 320 W.

1 Fourth Street, Suite 350, Los Angeles, California, 90013-1105.

2 In the event of time constraints before an administrative hearing, Respondent can
3 signify acceptance and approval of the terms and conditions of this Stipulation and Agreement
4 by emailing a scanned copy of the signature page, as actually signed by Respondent, to the
5 Department counsel assigned to this case. Respondent agrees, acknowledges and understands
6 that by electronically sending the Department a scan of Respondent's actual signature as it
7 appears on the Stipulation and Agreement that receipt of the scan by the Department shall be
8 binding on Respondent as if the Department had received the original signed Stipulation and
9 agreement.

10 //

11 //

12 //

13 //

14 //

15 //

16 //

17 //

18 //

19 //

20 //

21 //

22 //

23 //

24 //

25 //

26 //

27

STIPULATION AND AGREEMENT

* * *

I have read the foregoing Stipulation signed by Respondent JOHN ANTHONY VITTI. I am satisfied that the hearing for the purpose of requiring further proof as to honesty and truthfulness of Respondent need not be called, and that it will not be inimical to the public interest to issue a restricted real estate salesperson license to Respondent.

Therefore, IT IS HEREBY ORDERED that the real estate salesperson license of Respondent revoked and a restricted real estate salesperson license be issued if Respondent has otherwise fulfilled all of the statutory requirements for licensure. The restricted real estate salesperson license shall be limited, conditioned, and restricted as specified in the foregoing Stipulation and Agreement.

The foregoing Stipulation and Agreement is hereby adopted as my Decision in this matter and shall become effective at 12 o'clock noon on APR 16 2024.

IT IS SO ORDERED 3/11/24.

CHIKA SUNQUIST
REAL ESTATE COMMISSIONER


By Marcus L. McCarther
Chief Deputy Real Estate Commissioner

STIPULATION AND AGREEMENT