## BEFORE THE DEPARTMENT OF CONSUMER AFFAIRS FOR THE BUREAU OF ELECTRONIC AND APPLIANCE REPAIR, HOME FURNISHINGS AND THERMAL INSULATION STATE OF CALIFORNIA

In the Matter of the Statement of Issues Against:

Case No. AN 2016-183

## DUSTIN MAGGETTI

Furniture and Bedding Retailer License

Respondent.

## DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Director of Consumer Affairs and the Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation as the Decision and Order in the above entitled matter.

This Decision shall become effective on OCT 192017 It is so ORDERED September 18,2017.

RYAN MARCROFT Deputy Director Legal Affairs Division Department of Consumer Affairs

1	XAVIER BECERRA
2	Attorney General of California DIANN SOKOLOFF
3	Supervising Deputy Attorney General GEOFFREY S. ALLEN
4	Deputy Attorney General State Bar No. 193338
5	1515 Clay Street, 20th Floor P.O. Box 70550
6	Oakland, CA 94612-0550 Telephone: (510) 879-0004
7	Facsimile: (510) 622-2270 E-mail: Geoffrey.Allen@doj.ca.gov
8	Attorneys for Complainant
9	BEFORE THE DEPARTMENT OF CONSUMER AFFAIRS
10	FOR THE BUREAU OF ELECTRONIC AND APPLIANCE REPAIR, HOME FURNISHINGS AND THERMAL INSULATION
11	STATE OF CALIFORNIA
12	
13	In the Matter of the Statement of Issues Case No. AN 2016-183 Against:
14	DUSTIN MAGGETTI STIPULATED SETTLEMENT AND
15	Furniture and Bedding Retailer License DISCIPLINARY ORDER
16	Applicant
17	Respondent.
18	
19	IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
20	entitled proceedings that the following matters are true:
21	PARTIES
22	1. Dale Chasse (Complainant) is the Acting Bureau Chief of the Bureau of Electronic
23	and Appliance Repair, Home Furnishings and Thermal Insulation (Bureau). He brought this
24	action solely in his official capacity and is represented in this matter by Xavier Becerra, Attorney
25	General of the State of California, by Geoffrey S. Allen, Deputy Attorney General.
26	2. Respondent Dustin Maggetti (Respondent) is representing himself in this proceeding
27	and has chosen not to exercise his right to be represented by counsel.
28	
	1
	STIPULATED SETTLEMENT (AN 2016-183)

1	3. On or about December 30, 2015, Respondent filed an application dated November 20,
2	2015, with the Bureau to obtain a Furniture and Bedding Retailer License.
3	JURISDICTION
4	4. Statement of Issues No. AN 2016-183 (Statement of Issues) was filed before the
5	Director of the Department of Consumer Affairs (Director), and is currently pending against
6	Respondent. The Statement of Issues and all other statutorily required documents were properly
7	served on Respondent on April 13, 2017.
8	5. A copy of the Statement of Issues is attached as exhibit A and incorporated herein by
9	reference.
10	ADVISEMENT AND WAIVERS
11	6. Respondent has carefully read, and understands the charges and allegations in the
12	Statement of Issues. Respondent has also carefully read, and understands the effects of this
13	Stipulated Settlement and Disciplinary Order.
14	7. Respondent is fully aware of his legal rights in this matter, including the right to a
15	hearing on the charges and allegations in the Statement of Issues; the right to be represented by
16	counsel at his own expense; the right to confront and cross-examine the witnesses against him;
17	the right to present evidence and to testify on his own behalf; the right to the issuance of
18	subpoenas to compel the attendance of witnesses and the production of documents; the right to
19	reconsideration and court review of an adverse decision; and all other rights accorded by the
20	California Administrative Procedure Act and other applicable laws.
21	8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
22	every right set forth above.
23	CULPABILITY
24	9. Respondent admits the truth of each and every charge and allegation in the Statement
25	of Issues.
26	10. Respondent agrees that his Application for a Furniture and Bedding Retailer License
27	is subject to denial and he agrees to be bound by the Director's probationary terms as set forth in
28	the Disciplinary Order below.
	2
	STIPULATED SETTLEMENT (AN 2016-183)

## **CONTINGENCY**

11. This stipulation shall be subject to approval by the Director or the Director's designee. 2 Respondent understands and agrees that counsel for Complainant and the staff of the Bureau of 3 Electronic and Appliance Repair, Home Furnishings and Thermal Insulation may communicate 4 directly with the Director and staff of the Department of Consumer Affairs regarding this 5 stipulation and settlement, without notice to or participation by Respondent. By signing the 6 stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek 7 to rescind the stipulation prior to the time the Director considers and acts upon it. If the Director 8 fails to adopt this stipulation as the Decision and Order, the Stipulated Settlement and 9 Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible 10 in any legal action between the parties, and the Director shall not be disqualified from further 11 action by having considered this matter. 12 The parties understand and agree that Portable Document Format (PDF) and facsimile 12. 13 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile 14 signatures thereto, shall have the same force and effect as the originals. 15 This Stipulated Settlement and Disciplinary Order is intended by the parties to be an 13. 16 integrated writing representing the complete, final, and exclusive embodiment of their agreement. 17 It supersedes any and all prior or contemporaneous agreements, understandings, discussions, 18 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary 19 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a 20 writing executed by an authorized representative of each of the parties. 21 14. In consideration of the foregoing admissions and stipulations, the parties agree that 22 the Director may, without further notice or formal proceeding, issue and enter the following 23 Disciplinary Order: 24 25 DISCIPLINARY ORDER IT IS HEREBY ORDERED that Respondent Dustin Maggetti that Furniture and Bedding 26 Retailer License will be issued and immediately revoked. The revocation will be stayed and the 27 28 Respondent placed on three (3) years probation on the following terms and conditions. 3

1

STIPULATED SETTLEMENT (AN 2016-183)

1. **Obey All Laws.** Comply with all statutes, regulations and rules governing home furnishings and thermal insulation.

1

2

2. **Comply with Probation.** Respondent shall fully comply with the probation program established by the Bureau and shall cooperate with the representatives of the Bureau.

3. Quarterly Reports. Respondent shall submit quarterly reports under penalty of
perjury, in a form required by the Bureau. The reports shall certify and document compliance
with all the conditions of probation.

8 4. License During Probation. Respondent shall, at all times while on probation,
9 maintain an active current license with the Bureau, including any period during which suspension
10 or probation is tolled.

Should Respondent's license by operation of law or otherwise, expire, upon renewal or
 reinstatement Respondent's license shall be subject to any and all terms of this probation not
 previously satisfied.

Personal Appearances. Report, by personal appearance of Respondent or
 Respondent's authorized representative, to the Bureau, but no more frequently than each quarter,
 on the methods used and success achieved in maintaining compliance with the terms and
 conditions of probation.

Random Inspections. Provide Bureau representatives unrestricted access to inspect
 all business locations and records, including, but not limited to plants, factories, retail stores, and
 so forth.

7. Tolling. Respondent's probation is tolled, if and when he fails to own and operate a
Bureau-licensed business in California. Respondent must provide written notice to the Bureau
within 15 days of any such change of license status.

8. Violation of Probation. If a Respondent violates the conditions of his probation, the
Bureau, after giving the Respondent notice and an opportunity to be heard, may set aside the stay
order and impose the stayed discipline revocation of the Respondent's license.

If during the period of probation, an accusation or petition to revoke probation has been
filed against Respondent's license or the Attorney General's Office has been requested to prepare

4

1	an accusation or petition to revoke probation against the Respondent's license, the probationary	
2	period shall automatically be extended and shall not expire until the accusation or petition has	
3	been acted upon by the Bureau. Upon successful completion of probation, the Respondent's	
4	license shall be fully restored.	
5	///	
6	///	
7	///	
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		
	5	
	STIPULATED SETTLEMENT (AN 2016-18	53)

Jul 12 17 11:47a shane costanza

408 497-9529

p.2

ļ	
1	ACCEPTANCE
2	I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
3	stipulation and the effect it will have on my Furniture and Bedding Retailer License. I enter into
4	this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and
5	agree to be bound by the Decision and Order of the Director of Consumer Affairs.
6	71 ID ALLAMI
7	DATED: 11212 MULTURE
8	DUSTIN MAGGETTI Respondent
9	
10	ENDORSEMENT
11	The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
12	submitted for consideration by the Director of Consumer Affairs Dated: Respectfully submitted,
13	Dated: 7 12 17 Xavier Becerra
14	Attorney General of California DIANN SOKOLOFF
15	Supervising Deputy Attorney General
16	AA
17	GEOFFREYS. ALLEN Deputy Attorney General
18	Attorneys for Complainant
19	
20 21	
22	SF2016900580 90808972.doc
23	30008372.doc
24	
25	
26	
27	
28	
	6
l	STIPULATED SETTLEMENT (AN 2016-183)