

1 XAVIER BECERRA  
Attorney General of California  
2 DIANN SOKOLOFF  
Supervising Deputy Attorney General  
3 GEOFFREY S. ALLEN  
Deputy Attorney General  
4 State Bar No. 193338  
1515 Clay Street, 20th Floor  
5 P.O. Box 70550  
Oakland, CA 94612-0550  
6 Telephone: (510) 879-0004  
Facsimile: (510) 622-2270  
7 E-mail: Geoffrey.Allen@doj.ca.gov  
*Attorneys for Complainant*

8  
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 In the Matter of the Statement of Issues  
13 Against:

Case No. AN 2016-183

14 **DUSTIN MAGGETTI**

**STATEMENT OF ISSUES**

15 **Furniture and Bedding Retailer License**  
16 **Applicant**

17 Respondent.

18 Complainant alleges:

19 PARTIES

20 1. Dale Chasse (Complainant) brings this Statement of Issues solely in his official  
21 capacity as the Acting Bureau Chief of the Bureau of Electronic and Appliance Repair, Home  
22 Furnishings and Thermal Insulation, Department of Consumer Affairs.

23 2. On or about December 30, 2015, the Bureau of Electronic and Appliance Repair,  
24 Home Furnishings and Thermal Insulation received an application for a Furniture and Bedding  
25 Retailer License (Application) from Dustin Maggetti (Respondent). On or about November 20,  
26 2015, Respondent certified under penalty of perjury to the truthfulness of all statements, answers,  
27 and representations in the application. The Bureau denied the application on June 21, 2016.  
28



1 Section 482.

2 "(c) Notwithstanding any other provisions of this code, a person shall not be denied a  
3 license solely on the basis of a conviction that has been dismissed pursuant to Section 1203.4,  
4 1203.4a, or 1203.41 of the Penal Code. An applicant who has a conviction that has been  
5 dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code shall provide proof  
6 of the dismissal.

7 "(d) A board may deny a license regulated by this code on the ground that the applicant  
8 knowingly made a false statement of fact that is required to be revealed in the application for the  
9 license."

10 FIRST CAUSE FOR DENIAL OF APPLICATION

11 (Criminal Conviction)

12 5. Respondent's Application is subject to denial in that he has been convicted of crimes  
13 substantially related to the qualifications functions, and duties of being a furniture and bedding  
14 retailer. (Bus. & Prof. Code, § 480, subd. (a)(1).) The circumstances are as follows:

15 a. On or about January 26, 2001, in a criminal proceeding entitled *People of the*  
16 *State of California vs. Dustin Maggetti* in Santa Clara County Superior Court, Case Number  
17 CC061887, Respondent was convicted of violating Penal Code section 459/60 (burglary), a  
18 felony; and Penal Code section 148 (Obstruction of a Public Official), a misdemeanor.  
19 Respondent was sentenced to five months in jail, three years of probation, and ordered to  
20 complete a substance abuse program.

21 b. On or about September 28, 2001, in a criminal proceeding entitled *People of the*  
22 *State of California vs. Dustin Maggetti* in Santa Clara County Superior Court, Case Number  
23 CC122570, Respondent was convicted based upon a plea of nolo contendere of violating Vehicle  
24 Code section 23103, subdivision (a) (reckless driving), a misdemeanor. Respondent was  
25 sentenced to two years of probation.

26 c. On or about October 25, 2001, in a criminal proceeding entitled *People of the*  
27 *State of California vs. Dustin Maggetti* in Santa Clara County Superior Court, Case Number  
28 CC126278, Respondent was convicted upon a guilty plea of violating Penal Code section 415

1 (disturbing the peace), a misdemeanor; and Penal Code section 148 (Obstruction of a Public  
2 Official), a misdemeanor. Respondent was sentenced to 20 days in jail.

3 d. On or about December 16, 2002, in a criminal proceeding entitled *People of the*  
4 *State of California vs. Dustin Maggetti* in Santa Clara County Superior Court, Case Number  
5 CC262404, Respondent was convicted upon a guilty plea of violating Vehicle Code section  
6 14601.1, subdivision (a) (driving with a suspended license), a misdemeanor. Respondent was  
7 sentenced to ten days in jail and three years of probation.

8 e. On or about December 16, 2002, in a criminal proceeding entitled *People of the*  
9 *State of California vs. Dustin Maggetti* in Santa Clara County Superior Court, Case Number  
10 CC262307, Respondent was convicted upon a guilty plea of violating Vehicle Code section  
11 23152, subdivision (a) (driving under the influence of alcohol, a misdemeanor; Vehicle Code  
12 section 14601.2, subdivision (a) (driving with a suspended license), a misdemeanor; and Vehicle  
13 Code section 4462.5 (unlawful vehicle registration), a misdemeanor. Respondent was sentenced  
14 to 45 days in jail, three years of probation, and ordered complete a alcohol program.

15 f. On or about December 16, 2002, in a criminal proceeding entitled *People of the*  
16 *State of California vs. Dustin Maggetti* in Santa Clara County Superior Court, Case Number  
17 CC253089, Respondent was convicted upon a guilty plea of violating Vehicle Code section  
18 14601, subdivision (a) (driving with a suspended license), a misdemeanor; and Vehicle Code  
19 section 16028, subdivision (a) (driving without insurance), an infraction. Respondent was  
20 sentenced to ten days in jail and 3 years of probation.

21 g. On or about June 4, 2003, in a criminal proceeding entitled *People of the State*  
22 *of California vs. Dustin Maggetti* in Santa Clara County Superior Court, Case Number  
23 CC307848, Respondent was convicted upon a guilty plea of violating Vehicle Code section  
24 14601.5, subdivision (a) (driving with a suspended license), a misdemeanor. Respondent was  
25 sentenced to one year of probation.

26 h. On or about March 3, 2004, in a criminal proceeding entitled *People of the*  
27 *State of California vs. Dustin Maggetti* in Santa Clara County Superior Court, Case Number  
28 CC326861, Respondent was convicted upon a guilty plea of violating Vehicle Code section

1 14601.5, subdivision (a) (driving with a suspended license), a misdemeanor. Respondent was  
2 sentenced to 12 days in jail and three years of probation.

3 i. On or about February 8, 2005, in a criminal proceeding entitled *People of the*  
4 *State of California vs. Dustin Maggetti* in Santa Clara County Superior Court, Case Number  
5 CC476949, Respondent was convicted upon a guilty plea of violating Vehicle Code section  
6 14601.2, subdivision (a) (driving with a suspended license), a misdemeanor. Respondent was  
7 sentenced to 60 days in jail and 2 years of probation.

8 j. On or about December 24, 2009, in a criminal proceeding entitled *People of the*  
9 *State of California vs. Dustin Maggetti* in Santa Clara County Superior Court, Case Number  
10 CC819930, Respondent was convicted upon a no contest plea of violating Penal Code section  
11 242/243 (battery with serious bodily injury), a misdemeanor. Respondent was sentenced to 28  
12 days in jail, two years of probation, and ordered to complete a substance abuse program.

13 k. On or about November 23, 2009, in a criminal proceeding entitled *People of the*  
14 *State of California vs. Dustin Maggetti* in Sacramento County Superior Court, Case Number  
15 09F07144, Respondent was convicted upon a no contest plea of violating Vehicle Code section  
16 23152, subdivision (a) (driving under the influence of alcohol), a felony. Respondent was  
17 sentenced to 180 days in jail, five years of probation, and ordered to complete a alcohol abuse  
18 program.

19 SECOND CAUSE FOR DENIAL OF APPLICATION

20 (Acts if Done by Licensee)

21 6. Respondent's Application is subject to denial in that he performed acts that if done by  
22 a licentiate of the business or profession in question, would be grounds for suspension or  
23 revocation of license. (Bus. & Prof. Code, § 480, subd. (a)(3)(A).) The circumstances are  
24 described above in paragraph 5.

25 THIRD CAUSE FOR DENIAL OF APPLICATION

26 (Dishonest Acts)

27 7. Respondent's Application is subject to denial in that he performed acts involving  
28 dishonesty, fraud, or deceit with the intent to substantially benefit himself or herself or another, or

1 substantially injure another. (Bus. & Prof. Code, § 480, subd. (a)(2).) The circumstances are  
2 described above in paragraph 5.

3 PRAYER

4 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
5 and that following the hearing, the Director of Consumer Affairs issue a decision:

- 6 1. Denying the application of Dustin Maggetti for a Furniture and Bedding Retailer  
7 License;  
8 2. Taking such other and further action as deemed necessary and proper.

9  
10 DATED: MAR 06 2017



11 DALE CHASSE  
12 Acting Bureau Chief  
13 Bureau of Electronic and Appliance Repair, Home  
14 Furnishings and Thermal Insulation  
15 Department of Consumer Affairs  
16 State of California  
17 *Complainant*

15 SF2016900580  
16 90751143.docx

17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28