

BEFORE THE
DEPARTMENT OF CORPORATIONS
STATE OF CALIFORNIA

In the Matter of the Accusation of:)
)
MICHAEL J. BOSCHETTI) OAH No. L2003080285
4478 Lakeview Drive)
Vacaville, CA 95688)
)
)
Respondent)

ORDER OF DISMISSAL

The attached Proposed Order of Dismissal of the Administrative Law Judge is hereby adopted by the Department of Corporations as its Order in the above-entitled matter, with the following technical and minor change pursuant to Government Code Section 11517(c)(2)(C):

On page 1, in the first paragraph under the heading of the Proposed Order of Dismissal, the date "October 22, 2003" is substituted for "February 25, 2003."

This Order shall become effective on February 25, 2004.

IT IS SO ORDERED February 25, 2004.

WILLIAM P. WOOD
California Corporations Commissioner

BEFORE THE
DEPARTMENT OF CORPORATIONS
STATE OF CALIFORNIA

In the Matter of the Accusation of:

MICHAEL J. BOSCHETTI
4478 Lakeview Drive
Vacaville, CA 95688

OAH No. N2003080285

Respondent.

PROPOSED ORDER OF DISMISSAL

Administrative Law Judge Diane Schneider, State of California, Office of Administrative Hearings, heard this matter in Oakland, California on February 25, 2003.

Corporations Counsel Donald A. Newbold represented complainant, California Corporations Commissioner, Demetrios A. Boutris (complainant).

Respondent, Michael J. Boschetti (respondent), appeared and was represented by John Preston, Attorney at Law, 1060 Clarendon Crescent, Oakland, California, 94610.

On November 21, 2003, Corporations Counsel Donald A. Newbold (Newbold) submitted a three page fax transmittal, marked for identification as complainant's Exhibit 44. On November 24 2003, Newbold submitted an additional three page fax transmittal, marked for identification as complainant's Exhibit 45.

FACTUAL FINDINGS

1. On December 24, 2002 complainant issued a Desist and Refrain Order to respondent. Respondent appealed.
2. On October 22, 2003, hearing commenced on respondent's appeal from the Desist and Refrain Order.
3. At the hearing on October 22, 2003, no evidence was presented to support the Desist and Refrain Order.

4. At the hearing on October 22, 2003, Complainant made a motion to dissolve the Desist and Refrain Order.

LEGAL CONCLUSIONS

1. Based upon Factual Findings 3 and 4, cause does not exist for the Desist and Refrain Order on December 24, 2002.

ORDER

The Desist and Refrain Order issued to respondent on December 24, 2002 is hereby dissolved.

DATED: 12/18/03

DIANE SCHNEIDER
Administrative Law Judge
Office of Administrative Hearings

1 PROOF OF SERVICE BY MAIL

2
3 Re: In the Matter of the Accusation of Michael J. Boschetti
4 (OAH No. N2003080285)

5 I, Kathryn C. Chaney, declare as follows:

6 I am employed in the County of Sacramento, California. I am over the age of eighteen
7 years and not a party to the within entitled action; my business address is 1515 K Street, Suite
8 200, Sacramento, California 95814. On February 27, 2004 following ordinary business
9 practices, I placed for collection and mailing at the offices of the State of California, Department
10 of Corporations, located at 1515 K Street, Suite 200, Sacramento, CA 95814:

- 11 (1) Order of Dismissal
12 (2) Proposed Order of Dismissal

13 in a sealed envelope, with postage fully prepaid (certified mail, return receipt requested),
14 addressed as follows:

15 John S. Preston
16 Attorney at Law
17 1060 Clarendon Crescent
18 Oakland, CA 94610

Donald Newbold
Corporations Counsel
Department of Corporations
1515 K Street, Suite 200
Sacramento, CA 95814

(Cert Mail # 7001 2510 0008 1581 6395
and Regular Mail)

(Regular Mail)

19 Michael J. Boschetti
20 4478 Lakeview Drive
21 Vacaville, CA 95688

Office of Administrative Hearings
1515 Clay Street, Suite 206
Oakland, CA 94612

22 (Cert. Mail # 7001 2510 0008 1581 6388
23 and Regular Mail)

(Regular Mail)

24 I declare under penalty of perjury that the foregoing is true and correct and that this
25 declaration was executed February 27, 2004, at Sacramento, California.

26
27 Kathryn C. Chaney
28 (Type or print name)

(Signature)