

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