

1 Bureau of Real Estate  
320 West 4th Street, Suite 350  
2 Los Angeles, California 90013-1105  
Telephone: (213) 576-6982

**FILED**

FEB 05 2018

BUREAU OF REAL ESTATE

By *Sybil Danner*

6  
7 **BEFORE THE BUREAU OF REAL ESTATE**  
8 **DEPARTMENT OF CONSUMER AFFAIRS**  
9 **STATE OF CALIFORNIA**

10 \* \* \*

11 In the Matter of the First Amended Accusation against

12 LA LIFE REALTY, INC.,  
13 FRANCISCO OLIVERIO PORRAS,  
14 JESSI A. CHAVEZ, individually and as  
15 designated officer of LA Life Realty, Inc.,  
16 ILEANE H. GAXIOLA,  
17 1<sup>ST</sup> CLASS INVESTMENTS & REALTY, INC.,  
and JUAN RENE VILLANUEVA, individually  
and as designated officer of 1<sup>st</sup> Class Investments &  
Realty, Inc.,

Respondents.

CALBRE No. H-40680 LA  
OAH No. 2017080310

STIPULATION AND AGREEMENT  
IN SETTLEMENT AND ORDER AS  
TO RESPONDENT ILEANE H.  
GAXIOLA

18 It is hereby stipulated by and between Respondent ILEANE H. GAXIOLA  
19 (“Respondent”) and Complainant, acting by and through Lissete Garcia, Counsel for the Bureau  
20 of Real Estate (“Bureau”), as follows for the purpose of settling and disposing the First Amended  
21 Accusation (“Accusation”) filed on December 14, 2017, with Bureau Case No. H-40680 LA in  
22 this matter:

23 1. All issues which were to be contested and all evidence which was to be presented by  
24

1 Complainant and Respondent at a formal hearing on the Accusation, which hearing was to be  
2 held in accordance with the provisions of the Administrative Procedure Act (herein "APA"),  
3 shall instead and in place thereof be submitted on the basis of the provisions of this Stipulation  
4 and Agreement in Settlement and Order (herein "Stipulation").

5         2. Respondent has received, read, and understands the Statement to Respondent,  
6 the Discovery Provisions of the APA and the Accusation, filed by the Bureau of Real Estate in  
7 this proceeding.

8         3. Respondent filed a Notice of Defense pursuant to Section 11506 of the Government  
9 Code for the purpose of requesting a hearing on the allegations in the Accusation. Respondent  
10 hereby freely and voluntarily withdraws said Notice of Defense. Respondent acknowledges that  
11 she understands that by withdrawing said Notices of Defense she will thereby waive her right to  
12 require the Commissioner to prove the allegations in the Accusation at a contested hearing held  
13 in accordance with the provisions of the APA and that she will waive other rights afforded to her  
14 in connection with the hearing such as the right to present evidence in defense of the allegations  
15 in the Accusation and the right to cross-examine witnesses.

16         4. This Stipulation is based on the factual allegations contained in the Accusation filed in  
17 this proceeding. In the interest of expedience and economy, Respondent chooses not to contest  
18 these factual allegations, but to remain silent and understands that, as a result thereof, these  
19 factual statements, will serve as a prima facie basis for the disciplinary action stipulated to  
20 herein. The Real Estate Commissioner shall not be required to provide further evidence to prove  
21 such allegations.

22         5. This Stipulation and Respondent's decision not to contest the Accusation are made for  
23 the purpose of reaching an agreed disposition of this proceeding and are expressly limited to this  
24

1 proceeding and any other proceeding or case in which the Bureau of Real Estate ("Bureau"), or  
2 another licensing agency of this state, another state or if the federal government is involved and  
3 otherwise shall not be admissible in any other criminal or civil proceedings.

4 6. It is understood by the parties that the Real Estate Commissioner may adopt the  
5 Stipulation as his decision in this matter thereby imposing the penalty and sanctions on  
6 Respondent's real estate license and license rights as set forth in the below "Order". In the event  
7 that the Commissioner in his discretion does not adopt the Stipulation, the Stipulation shall be  
8 void and of no effect, and Respondent shall retain the right to a hearing on the Accusation under  
9 all the provisions of the APA and shall not be bound by any stipulation or waiver made herein.

10 7. The Order or any subsequent Order of the Real Estate Commissioner made pursuant to  
11 this Stipulation shall not constitute an estoppel, merger or bar to any further administrative or  
12 civil proceedings by the Bureau of Real Estate with respect to any conduct which was not  
13 specifically alleged to be causes for accusation in this proceeding.

14 DETERMINATION OF ISSUES

15 By reason of the foregoing stipulation and agreement and solely for the purpose of  
16 settlement of the pending Accusation without a hearing, it is stipulated and agreed that the  
17 following determination of issues shall be made:

18 The conduct, acts and/or omissions of Respondent ILEANE H. GAXIOLA, as set forth in  
19 the Accusation, constitute cause for the suspension or revocation of all the real estate licenses and  
20 license rights of Respondent ILEANE H. GAXIOLA under the provisions of Section 10177(g) of  
21 the Business and Professions Code ("Code") for violations of Code Section 10178.

22 ///

23 ///

1 ORDER

2 All licenses and license rights of Respondent ILEANE H. GAXIOLA are suspended for a  
3 period of thirty (30) days from the effective date of this Decision and Order; provided, however,  
4 said thirty-day suspension shall be stayed for two (2) years upon the following terms and  
5 conditions:

6 1. Respondent shall obey all laws, rules and regulations governing the rights, duties  
7 and responsibilities of a real estate licensee in the State of California; and,

8 2. That no final subsequent determination be made, after hearing or upon stipulation,  
9 that cause for disciplinary action occurred within two (2) years from the effective date of this  
10 Decision and Order. Should such a determination be made, the Commissioner may, in his  
11 discretion, vacate and set aside the stay order and reimpose all or a portion of the stayed  
12 suspension. Should no such determination be made, the stay imposed herein shall become  
13 permanent.

14 3. All licenses and licensing rights of Respondent ILEANE H. GAXIOLA are  
15 indefinitely suspended unless or until Respondent ILEANE H. GAXIOLA pays the sum of  
16 \$1,678.01 for Respondent's share of the Commissioner's reasonable cost of the investigation and  
17 enforcement which led to this disciplinary action. Said payment shall be in the form of a  
18 cashier's check made payable to the Bureau of Real Estate. **The investigative and enforcement**  
19 **costs must be delivered to the Bureau of Real Estate, Flag Section at P.O. Box 137013,**  
20 **Sacramento, CA 95813-7013, prior to the effective date of this Decision and Order.**  
21 Payment of investigation and enforcement costs should not be made until the Stipulation has  
22 been approved by the Commissioner.

23 ///

1           4.     All licenses and licensing rights of Respondent ILEANE H. GAXIOLA are  
2 indefinitely suspended unless or until Respondent provides proof satisfactory to the  
3 Commissioner, of having taken and successfully completed the continuing education course on  
4 trust fund accounting and handling specified in paragraph (3) of subdivision (a) of Section  
5 10170.5 of the Business and Professions Code. Proof of satisfaction of these requirements  
6 includes evidence that Respondent has successfully completed the trust fund account and  
7 handling continuing education courses, no earlier than 120 days prior to the effective date of the  
8 Decision and Order in this matter. **Proof of completion of the trust fund accounting and**  
9 **handling course must be delivered to the Bureau of Real Estate, Flag Section at P.O. Box**  
10 **137013, Sacramento, CA 95813-7013 or by fax at 916-263-8758, prior to the effective date**  
11 **of this Decision and Order.**

12           5.     Respondent ILEANE H. GAXIOLA shall, within six (6) months from the  
13 **effective date of this Decision, take and pass the Professional Responsibility Examination**  
14 **administered by the Bureau including the payment of the appropriate examination fee. If**  
15 **Respondent to satisfy this condition, Respondent's real estate license shall automatically be**  
16 **suspended until Respondent passes the examination.**

17           6.     Respondent ILEANE H. GAXIOLA shall, within nine (9) months from the  
18 **effective date of this Decision and Order, present evidence satisfactory to the Commissioner**  
19 **that Respondent has, since the most recent issuance of an original or renewal real estate license,**  
20 **taken and successfully completed the continuing education requirements of Article 2.5 of**  
21 **Chapter 3 of the Real Estate Law for renewal of a real estate license. If Respondent fails to**  
22 **satisfy this condition, Respondent's real estate license shall automatically be suspended until**  
23 **Respondent presents evidence satisfactory to the Commissioner of having taken and successfully**  
24

1 completed the continuing education requirements. **Proof of completion of the continuing**  
2 **education courses must be delivered to the Bureau of Real Estate, Flag Section at P.O. Box**  
3 **137013, Sacramento, CA 95813-7013.**

4  
5 DATED: Dec. 22, 2017

  
Lissete Garcia, Counsel  
Bureau of Real Estate

6  
7 \* \* \*

8 I have read this Stipulation and its terms are understood by me and are agreeable and  
9 acceptable to me. I understand that I am waiving rights given to me by the California APA  
10 (including, but not limited to, Sections 11506, 11508, 11509, and 11513 of the Government  
11 Code), and I willingly, intelligently, and voluntarily waive those rights, including the right of  
12 requiring the Commissioner to prove the allegations in the Accusation at a hearing at which I  
13 would have the right to cross-examine witnesses against me and to present evidence in defense  
14 and mitigation of the charges.

15 Respondent can signify acceptance and approval of the terms and conditions of this  
16 Stipulation and Agreement by electronically e-mailing a copy of the signature pages, as actually  
17 signed by Respondent, to the Bureau. Respondent agrees, acknowledges, and understands that  
18 by electronically sending to the Bureau an electronic copy of Respondent's actual signature, as it  
19 appears on the Stipulation, that receipt of the emailed copy by the Bureau shall be as binding on  
20 Respondents as if the Bureau had received the original signed Stipulation. By signing this  
21 Stipulation, Respondent understands and agrees that Respondent may not withdraw her  
22 agreement or seek to rescind the Stipulation prior to the time the Commissioner considers and

23 ///

1 acts upon it or prior to the effective date of the Stipulation and Order.

2

3 DATED: 12/21/17

Respondent ILEANE H. GAXIOLA

4

5

\*\*\*

6

7

8

The foregoing Stipulation and Agreement in Settlement and Order is hereby adopted by me as my Decision in this matter and shall become effective at 12 o'clock noon on \_\_\_\_\_, 2017.

9

10

IT IS SO ORDERED \_\_\_\_\_, 2017.

11

WAYNE S. BELL  
REAL ESTATE COMMISSIONER

12

13

14

15

16

17

18

19

20

21

22

23

24

1 acts upon it or prior to the effective date of the Stipulation and Order.

2

3 DATED: \_\_\_\_\_

Respondent ILEANE H. GAXIOLA

4

5

\*\*\*

6

7 The foregoing Stipulation and Agreement in Settlement and Order is hereby

8 adopted by me as my Decision in this matter and shall become effective at 12 o'clock noon on

9

NOV 26 2018

10

IT IS SO ORDERED 1/26/18

11

WAYNE S. BELL  
REAL ESTATE COMMISSIONER

12

13

*Daniel J. Sandri*

14

By: DANIEL J. SANDRI  
Chief Deputy Commissioner

15

16

17

18

19

20

21

22

23

24