

FILED

OCT 07 2022

DEPT. OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

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| In the Matter of the Accusation of: |) | DRE No. H-42241 LA |
| |) | |
| PORFIRIO DE LA LUZ-GOMEZ, |) | |
| OLEGARIO C AGUILAR, |) | |
| doing business as Aguilar Realty, and |) | |
| <u>LIDIA E FRANSIS</u> , |) | |
| doing business as Bridgeport Services, |) | |
| |) | |
| Respondent(s). |) | |

DECISION

This Decision is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on August 30, 2022, and the Findings of Fact set forth herein, which are based on one or more of the following: (1) The express admissions of Respondent, LIDIA E FRANSIS (“Respondent”); (2) affidavits; and (3) other evidence.

This Decision revokes one or more real estate licenses on the grounds of the violation of the Real Estate Law, Part 1 commencing with Section 10000 of the Business and Professions Code (“Code”) and/or the Regulations of the Real Estate Commissioner, Title 10, Chapter 6 of the California Code of Regulations (“Regulations”).

Pursuant to Government Code Section 11521, the California Department of Real Estate (“the Department”) may order reconsideration of this Decision on petition of any party. The party seeking reconsideration shall set forth new facts, circumstances, and evidence, or errors in law or analysis, that show(s) grounds and good cause for the Commissioner to reconsider the Decision. If new evidence is presented, the party shall specifically identify the new evidence and explain why it was not previously presented. The Department’s power to order reconsideration of this Decision shall expire 30 days after mailing of this Decision, or on the effective date of this Decision, whichever occurs first. The right to reinstatement of a revoked real estate license, or to the reduction of a penalty, is controlled by Section 11522 of the Government Code. A copy of Government Code Sections 11521 and 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of respondent.

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FINDINGS OF FACT

1.

On July 28, 2022, Veronica Kilpatrick made the First Amended Accusation in her official capacity as a Supervising Special Investigator of the Department. The First Amended Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified mail, return receipt requested, to Respondent's last known mailing address on file with the Department on August 9, 2022.

2.

On August 30, 2022, no Notice of Defense having been received or filed herein within the time prescribed by Section 11506 of the Government Code, Respondent's default was entered herein.

3.

Respondent is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code ("the Code") as a restricted real estate salesperson.

4.

Attached as Exhibit "A" is a true and correct copy of the First Amended Accusation filed on August 9, 2022, which is incorporated herein as part of this Decision.

DETERMINATION OF ISSUES

1.

The allegations contained in the Accusation, incorporated herein by reference in Paragraph 4, above, are in violation of Code sections 10148 and 10177(k) and constitutes cause for the suspension or revocation of all the licenses, license endorsements, and license rights of Respondent LIDIA E FRANSIS under the Real Estate Law pursuant to the provisions of Code sections 10177(d), 10177(g), and 10177(k).

2.

The standard of proof applied was clear and convincing evidence to a reasonable certainty.

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ORDER

All licenses and licensing rights of Respondent LIDIA E FRANSIS under the provisions of Part I of Division 4 of the Business and Professions Code are revoked.

This Decision shall become effective at 12 o'clock noon on 10/25/2022.

DATED: 9/27/2022.

DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER



By: Marcus L. McCarther
Chief Deputy Real Estate Commissioner

1 STEVE CHU, Counsel (SBN 238155)
2 Department of Real Estate
3 320 West 4th Street, Suite 350
4 Los Angeles, California 90013-1105

5 Telephone: (213) 620-6430
6 Fax: (213) 576-6917

FILED

AUG 09 2022

DEPT. OF REAL ESTATE
By *[Signature]*

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9 BEFORE THE DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of) No. H-42241 LA
13)
14 PORFIRIO DE LA LUZ-GOMEZ,) FIRST AMENDED
15 OLEGARIO C AGUILAR,) ACCUSATION
16 doing business as Aguilar Realty, and)
17 LIDIA E FRANSIS,)
18 doing business as Bridgeport Services,)
19 Respondents.)
20)

21 This First Amended Accusation amends the Accusation filed on April 8, 2022.
22 The Complainant, Veronica Kilpatrick, a Supervising Special Investigator of the State of
23 California, for cause of Accusation against PORFIRIO DE LA LUZ-GOMEZ,
24 OLEGARIO C AGUILAR, doing business as Aguilar Realty, and LIDIA E FRANSIS, doing
25 business as Bridgeport Services ("Respondents"), is informed and alleges as follows:

26 1.

27 The Complainant, Veronica Kilpatrick, acting in her official capacity as a
Supervising Special Investigator of the State of California, makes this Accusation against
Respondents PORFIRIO DE LA LUZ-GOMEZ, OLEGARIO C AGUILAR, and
LIDIA E FRANSIS.

First Amended Accusation of Porfirio De La Luz-Gomez, Olegario C Aguilar, and Lidia E Fransis

PRIOR LICENSE DISCIPLINE

7.

On or about September 21, 2007, the Real Estate Commissioner in Case No. H-33744 LA adopted as his Decision effective October 15, 2007, a Proposed Decision revoking Respondent AGUILAR'S real estate broker license but granting AGUILAR the right to a restricted real estate broker license with a 90 day stayed suspension on terms and conditions. Within the Proposed Decision, the Administrative Law Judge found that AGUILAR was convicted of violating California Penal Code section 273.5(a) (domestic battery with corporal injury), a misdemeanor and Penal Code section 148(a)(1) (resist and obstruct a police officer), a misdemeanor, and held that cause existed pursuant to Code sections 490 and 10177(b) to discipline AGUILAR'S license. On or about January 12, 2018, the restrictions were removed from AGUILAR'S license.

8.

On or about September 11, 2019, the Real Estate Commissioner in Case No. H-41021 LA adopted as his Decision effective October 7, 2019, a Stipulation and Agreement revoking Respondent FRANSIS'S real estate broker license but granting FRANSIS the right to a restricted real estate salesperson license on terms and conditions. Within the Stipulation and Agreement, Respondent admitted to violation of Code sections 10145, 10148, and 10159.5 and Regulations sections 2831, 2831.1, 2831.2, 2832, 2832.1, 2950(d), 2950(g), 2950(e), and 2951.

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1 PORFIRIO DE LA LUZ-GOMEZ DEFRAUDED DORALY GOMEZ LOPEZ

2 9.

3 On or about July 21, 2017, Respondent DE LA LUZ-GOMEZ told Doraly
4 Gomez Lopez that DE LA LUZ-GOMEZ was going to make an offer to purchase real property
5 in Los Angeles on behalf of Doraly Gomez Lopez. DE LA LUZ-GOMEZ instructed Doraly
6 Gomez Lopez to provide \$5,000 in money orders payable to Maria Ofelia Calderon as a deposit
7 to purchase the property. Doraly Gomez Lopez did as DE LA LUZ-GOMEZ instructed and
8 provided \$5,000 in money orders to DE LA LUZ-GOMEZ. The \$5,000 in money orders was
9 deposited, but DE LA LUZ-GOMEZ did not purchase real property for Doraly Gomez Lopez
10 and did not refund any money to Doraly Gomez Lopez. Doraly Gomez Lopez asked
11 DE LA LUZ-GOMEZ for a refund of the deposits that Doraly Gomez Lopez had provided, but
12 DE LA LUZ-GOMEZ refused to provide a refund and said the money would go towards the
13 next property. DE LA LUZ-GOMEZ engaged in licensed real estate activity without a real
14 estate license.

15 SAN BERNARDINO PROPERTY FRAUD

16 10.

17 On or about September 6, 2017, Respondent DE LA LUZ-GOMEZ told Doraly
18 Gomez Lopez that DE LA LUZ-GOMEZ was going to make an offer to purchase real property
19 at 1715 N Lugo Ave, San Bernardino, California 92404 (“San Bernardino property”) on behalf
20 of Doraly Gomez Lopez. DE LA LUZ-GOMEZ instructed Doraly Gomez Lopez to provide
21 \$2,000 as a wire transfer to Tierra Vista Escrow as a deposit to purchase the San Bernardino
22 property. Doraly Gomez Lopez did as DE LA LUZ-GOMEZ instructed and provided \$2,000 to
23 Tierra Vista Escrow.

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1 11.

2 The actual parties of the San Bernardino property transaction were buyers Rafael
3 Flores Estrada and Celia Roman De Del Pilar (“San Bernardino property buyers”) and sellers
4 Simplicio O. Gonzalez and Rosa Gonzalez (“San Bernardino property sellers”). Doraly Gomez
5 Lopez did not know the San Bernardino property buyers or sellers. On or about
6 September 13, 2017, the Lugo property buyers and sellers signed a Cancellation of Contract,
7 Release of Deposit, and Cancellation of Escrow as well as a Cancellation Escrow Instructions,
8 which directed the \$2,000 that Doraly Gomez Lopez had deposited to Tierra Vista Escrow to be
9 released to the San Bernardino property sellers.

10 12.

11 Respondent DE LA LUZ-GOMEZ told Doraly Gomez Lopez that Doraly
12 Gomez Lopez’s offer to purchase the San Bernardino property had not been accepted. Doraly
13 Gomez Lopez asked DE LA LUZ-GOMEZ for a refund of the deposits that Doraly Gomez
14 Lopez had provided, but DE LA LUZ-GOMEZ refused to provide a refund and said the money
15 would go towards the next property. DE LA LUZ-GOMEZ engaged in licensed real estate
16 activity without a real estate license.

17 FONTANA PROPERTY FRAUD

18 13.

19 On or about September 22, 2017, Respondent DE LA LUZ-GOMEZ told Doraly
20 Gomez Lopez that DE LA LUZ-GOMEZ was going to make an offer to purchase real property
21 at 16729 Boyle Ave, Fontana, California 92337 (“Fontana property”) on behalf of Doraly
22 Gomez Lopez. DE LA LUZ-GOMEZ instructed Doraly Gomez Lopez to provide \$2,000 as a
23 wire transfer to Stellar Corp Escrow Division as a deposit to purchase the Fontana property.
24 DE LA LUZ-GOMEZ told Doraly Gomez Lopez that Doraly Gomez Lopez would recover all
25 her prior deposits in escrow. Doraly Gomez Lopez did as DE LA LUZ-GOMEZ instructed and
26 provided \$2,000 to Stellar Corp Escrow Division.

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14.

The actual parties of the Fontana property transaction were buyers Rafael Estrada Flores, Rosa M. Bedolla Cornejo, and Gabriela Aburto (“Fontana property buyers”) and seller Freddy O Nugent (“Fontana property seller”). Doraly Gomez Lopez did not know the Fontana property buyers or seller. On or about June 25, 2018, the Fontana property buyers and seller signed a Cancellation of Contract, Release of Deposit, and Cancellation of Escrow, which directed the \$2,000 that Doraly Gomez Lopez had deposited to Stellar Corp Escrow Division to be released 50% to the Fontana property buyers and 50% to the Fontana property seller. The fraudulent scheme did not work entirely as Respondent DE LA LUZ-GOMEZ intended, as Stellar Corp Escrow Division refunded \$1,000 to Doraly Gomez Lopez on or about June 28, 2018.

15.

Respondent DE LA LUZ-GOMEZ told Doraly Gomez Lopez that Doraly Gomez Lopez’s offer to purchase the Fontana property had not been accepted. Doraly Gomez Lopez asked DE LA LUZ-GOMEZ for a refund of the deposits that Doraly Gomez Lopez had provided, but DE LA LUZ-GOMEZ refused to provide a refund and said the money would go towards the next property. DE LA LUZ-GOMEZ engaged in licensed real estate activity without a real estate license.

MORENO VALLEY PROPERTY FRAUD

16.

On or about March 16, 2018, Respondent DE LA LUZ-GOMEZ told Doraly Gomez Lopez that DE LA LUZ-GOMEZ was going to make an offer to purchase real property at 24277 Chippewa Trail, Moreno Valley, California 92551 (“Moreno Valley property”) on behalf of Doraly Gomez Lopez. DE LA LUZ-GOMEZ instructed Doraly Gomez Lopez to provide \$6,000 as a wire transfer to Golden Key Escrow Division as a deposit to purchase the Moreno Valley property. On or about March 28, 2018, Doraly Gomez Lopez did as DE LA LUZ-GOMEZ instructed and provided \$6,000 to Golden Key Escrow Division.

1 17.

2 Respondent DE LA LUZ-GOMEZ instructed Doraly Gomez Lopez to provide
3 \$4,000 as a wire transfer to Golden Key Escrow Division as a deposit to purchase the Moreno
4 Valley property. On or about May 11, 2018, Doraly Gomez Lopez did as
5 DE LA LUZ-GOMEZ instructed and provided \$4,000 to Golden Key Escrow Division.

6 18.

7 The actual parties of the Moreno Valley property transaction were buyers Rafael
8 Estrada Flores, Rosa M. Bedolla Cornejo, and Rocio Gomez Cortez (“Moreno Valley property
9 buyers”) and seller Marco Rivera (“Moreno Valley property seller”). Doraly Gomez Lopez did
10 not know the Moreno Valley property buyers or seller. On or about January 24, 2018, the
11 Moreno Valley property buyers, represented by broker Respondent AGUILAR through agent
12 Respondent DE LA LUZ-GOMEZ, submitted an offer to purchase the Moreno Valley property.
13 AGUILAR and DE LA LUZ-GOMEZ used the unlicensed fictitious business name
14 “Flip Home Real Estate”. On or about January 25, 2018, Moreno Valley property seller
15 accepted the offer.

16 19.

17 Respondent DE LA LUZ-GOMEZ told Doraly Gomez Lopez that Doraly
18 Gomez Lopez’s offer to purchase the Moreno Valley property had not been accepted. Doraly
19 Gomez Lopez asked DE LA LUZ-GOMEZ for a refund of the deposits that Doraly Gomez
20 Lopez had provided, but DE LA LUZ-GOMEZ refused to provide a refund and said the money
21 would go towards the next property.

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1 PHELAN PROPERTY FRAUD

2 20.

3 On or about November 5, 2018, Respondent AGUILAR and Respondent
4 DE LA LUZ-GOMEZ listed real property at 4624 Del Rosa Road, Phelan, California 92371
5 (“Phelan property”) on the multiple listing service (“MLS”).

6 21.

7 On or about December 7, 2018, Doraly Gomez Lopez, represented by broker
8 Respondent AGUILAR through agent Respondent DE LA LUZ-GOMEZ, submitted an offer to
9 purchase the Phelan property. AGUILAR and DE LA LUZ-GOMEZ used the unlicensed
10 fictitious business name “Flip Home Real Estate”. On or about December 10, 2018, seller Paul
11 Driscoll (“Phelan property seller”) accepted the offer. The Phelan property seller was also
12 broker Respondent AGUILAR through agent Respondent DE LA LUZ-GOMEZ.

13 22.

14 Respondent DE LA LUZ-GOMEZ instructed Doraly Gomez Lopez to provide
15 \$1,000 as a wire transfer to South Coast Escrow as a deposit to purchase the Phelan property.
16 On or about December 12, 2018, Doraly Gomez Lopez did as DE LA LUZ-GOMEZ instructed
17 and provided \$1,000 to South Coast Escrow.

18 23.

19 Respondent DE LA LUZ-GOMEZ instructed Doraly Gomez Lopez to sign
20 South Coast Escrow Cancellation Instructions, which directed South Coast Escrow to be paid a
21 \$250 cancellation fee and the remaining \$750 to be refunded to Doraly Gomez Lopez. On or
22 about April 16, 2019, Doraly Gomez Lopez and the Phelan property seller signed the South
23 Coast Escrow Cancellation Instructions.

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1 24.

2 Respondent DE LA LUZ-GOMEZ instructed Doraly Gomez Lopez to provide
3 \$1,000 as a wire transfer to Bridgeport Services as a deposit to purchase the Phelan property.
4 On or about April 22, 2019, Doraly Gomez Lopez did as DE LA LUZ-GOMEZ instructed and
5 provided \$1,000 to Bridgeport Services.

6 25.

7 Respondent DE LA LUZ-GOMEZ instructed Doraly Gomez Lopez to provide to
8 DE LA LUZ-GOMEZ checks in the amount of \$2,000 payable to DE LA LUZ-GOMEZ,
9 \$1,000 payable to Bridgeport Services, and \$400 payable to David Fun, as a deposit to purchase
10 the Phelan property. On or about July 30, 2019, Doraly Gomez Lopez did as
11 DE LA LUZ-GOMEZ instructed and provided to DE LA LUZ-GOMEZ checks in the amount
12 of \$2,000 payable to DE LA LUZ-GOMEZ, \$1,000 payable to Bridgeport Services, and \$400
13 payable to David Fun. The checks were deposited but not credited towards the purchase of the
14 Phelan property.

15 26.

16 Respondent DE LA LUZ-GOMEZ instructed Doraly Gomez Lopez to provide to
17 DE LA LUZ-GOMEZ a cashier's check in the amount of \$4,000 payable to Kami Management,
18 for cleaning of the Phelan property. On or about July 26, 2019, Doraly Gomez Lopez did as
19 DE LA LUZ-GOMEZ instructed and provided to DE LA LUZ-GOMEZ a cashier's check in the
20 amount of \$4,000 payable to Kami Management. The cashier's check was deposited but not
21 used for the benefit of Doraly Gomez Lopez or the Phelan property.

22 27.

23 On or about April 9, 2019, Respondent AGUILAR and Respondent
24 DE LA LUZ-GOMEZ signed a Commissions Instructions for \$17,500 commission for the
25 Phelan property transaction. DE LA LUZ-GOMEZ forged AGUILAR'S signature on the
26 Commissions Instructions.

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1 28.

2 On or about April 10, 2019, Respondent AGUILAR and Respondent
3 DE LA LUZ-GOMEZ signed a Commission Authorization for \$17,500 commission for the
4 Phelan property transaction: \$1,200 to AGUILAR, \$1,300 to DE LA LUZ-GOMEZ, and
5 \$15,000 to Flip Home Real Estate. AGUILAR and DE LA LUZ-GOMEZ used the unlicensed
6 fictitious business name "Flip Home Real Estate". DE LA LUZ-GOMEZ forged AGUILAR'S
7 signature on the Commission Authorization.

8 29.

9 Respondent DE LA LUZ-GOMEZ arranged for lender Civic Financial
10 Services, LLC to provide a mortgage to Doraly Gomez Lopez to purchase the Phelan property.
11 DE LA LUZ-GOMEZ told Doraly Gomez Lopez that the lender advised Doraly Gomez Lopez
12 to establish a corporation to qualify for a loan to purchase the Phelan property. Civic Financial
13 Services, LLC never advised DE LA LUZ-GOMEZ or Doraly Gomez Lopez to establish a
14 corporation to qualify for a loan to purchase the Phelan property.

15 30.

16 On or about July 10, 2019, Respondent DE LA LUZ-GOMEZ arranged for
17 Articles of Incorporation for Doral'y Investments Inc to be filed with the California Secretary of
18 State. Dottie Randazzo signed the Articles of Incorporation. Doraly Gomez Lopez did not
19 know Dottie Randazzo.

20 31.

21 Respondent DE LA LUZ-GOMEZ instructed Doraly Gomez Lopez to sign an
22 Amendment To Instructions changing the buyer of the Phelan property to Doral'y
23 Investments Inc. On or about July 18, 2019, Doraly Gomez Lopez did as DE LA LUZ-GOMEZ
24 instructed and signed the Amendment To Instructions.

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1 32.

2 Respondent DE LA LUZ-GOMEZ instructed Doraly Gomez Lopez to sign an
3 Addendum changing the buyer of the Phelan property to Doral'y Investments Inc. On or about
4 July 20, 2019, Doraly Gomez Lopez did as DE LA LUZ-GOMEZ instructed and signed the
5 Addendum.

6 33.

7 Respondent DE LA LUZ-GOMEZ instructed Doraly Gomez Lopez to sign an
8 Addendum changing the buyer of the Phelan property to Doral'y Investments Inc. On or about
9 July 20, 2019, Doraly Gomez Lopez did as DE LA LUZ-GOMEZ instructed and signed the
10 Addendum.

11 34.

12 On or about July 24, 2019, Salvador Lupercio, Jr. signed a Letter of Explanation
13 claiming that Doraly Gomez Lopez is his sister. Doraly Gomez Lopez is not related to Salvador
14 Lupercio, Jr. Salvador Lupercio, Jr. is a hard money lender.

15 35.

16 Respondent DE LA LUZ-GOMEZ instructed Doraly Gomez Lopez to sign a
17 Corporate Resolution for Doral'y Investments Inc giving 20% ownership of Doral'y
18 Investments Inc to Salvador Lupercio, Jr. Doraly Gomez Lopez did not know Salvador
19 Lupercio, Jr. On or about July 24, 2019, Doraly Gomez Lopez did as DE LA LUZ-GOMEZ
20 instructed and signed the Corporate Resolution, even though Doraly Gomez Lopez did not
21 understand what she was signing.

22 36.

23 On or about July 26, 2019, Doraly Gomez Lopez in the capacity of President of
24 Doral'y Investments Inc signed the mortgage note and deed of trust for the Phelan property.
25 The note was in the amount of \$262,500. Doraly Gomez Lopez did not understand that the
26 mortgage was an interest only mortgage with a balloon payment due on September 1, 2020.

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1 37.

2 On or about July 30, 2019, the purchase of the Phelan property was completed.
3 Out of all the money Doraly Gomez Lopez provided according to Respondent
4 DE LA LUZ-GOMEZ'S instructions, only \$1,000 that Doraly Gomez Lopez provided to
5 Bridgeport Services on or about April 22, 2019, was used as a deposit for the purchase of the
6 Phelan property. Doraly Gomez Lopez lost all or nearly all of the remainder of the money.

7 38.

8 On or about July 31, 2019, Respondent DE LA LUZ-GOMEZ and Respondent
9 AGUILAR received a commission check in the amount of \$17,500 made payable to Flip Home
10 Real Estate. AGUILAR and DE LA LUZ-GOMEZ used the unlicensed fictitious business
11 name "Flip Home Real Estate".

12 39.

13 Respondent DE LA LUZ-GOMEZ instructed Doraly Gomez Lopez to sign a
14 note and deed of trust making Doraly Gomez Lopez, Doral'y Investments Inc, and the Phelan
15 property liable for \$50,000 for the benefit of the Phelan property seller Paul Driscoll. On or
16 about August 4, 2019, Doraly Gomez Lopez did as DE LA LUZ-GOMEZ instructed and signed
17 the note and deed of trust for the benefit of Paul Driscoll ("Paul Driscoll deed of trust"), even
18 though Doraly Gomez Lopez did not understand what she was signing.

19 40.

20 Respondent DE LA LUZ-GOMEZ instructed Doraly Gomez Lopez to sign a
21 note and deed of trust making Doraly Gomez Lopez, Doral'y Investments Inc, and the Phelan
22 property liable for \$40,000 for the benefit of Lazaro Penaloza. Doraly Gomez Lopez did not
23 know Lazaro Penaloza. On or about August 4, 2019, Doraly Gomez Lopez did as
24 DE LA LUZ-GOMEZ instructed and signed the note and deed of trust for the benefit of Lazaro
25 Penaloza ("Lazaro Penaloza deed of trust"), even though Doraly Gomez Lopez did not
26 understand what she was signing.

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1 41.

2 Less than a month before the balloon payment was due on the mortgage note to
3 Civic Financial Services, LLC, on or about August 5, 2020, Respondent DE LA LUZ-GOMEZ,
4 Paul Driscoll, and Lazaro Penaloza recorded the Paul Driscoll deed of trust and the Lazaro
5 Penaloza deed of trust. When Doraly Gomez Lopez was forced to refinance or otherwise
6 payoff the mortgage note from Civic Financial Services, LLC because of the balloon payment
7 due on September 1, 2020, DE LA LUZ-GOMEZ, Paul Driscoll, and Lazaro Penaloza intended
8 to receive the full amounts of \$50,000 and \$40,000 from Paul Driscoll deed of trust and the
9 Lazaro Penaloza deed of trust. The fraudulent scheme did not work as DE LA LUZ-GOMEZ,
10 Paul Driscoll, and Lazaro Penaloza intended.

11 DEPARTMENT OF REAL ESTATE INVESTIGATION

12 42.

13 On or about September 11, 2020, the Department of Real Estate (“Department”)
14 served a subpoena on Respondent AGUILAR for the production of books and records related to
15 the Phelan property transaction.

16 43.

17 On or about September 11, 2020, Respondent AGUILAR admitted to the
18 Department that AGUILAR was unaware of the Phelan property transaction until AGUILAR
19 received the subpoena and did not have the documents related to the Phelan property
20 transaction. AGUILAR contacted Respondent DE LA LUZ-GOMEZ to retrieve the documents
21 related to the Phelan property transaction.

22 44.

23 On or about September 11, 2020, Respondent DE LA LUZ-GOMEZ admitted to
24 the Department that Doraly Gomez Lopez provided \$25,000 to DE LA LUZ-GOMEZ as a
25 deposit to purchase real property. DE LA LUZ-GOMEZ admitted to the Department that
26 DE LA LUZ-GOMEZ placed the \$40,000 lien on the Phelan property, in reference to the
27 Lazaro Penaloza deed of trust.

1 45.

2 On or about September 11, 2020, Respondent DE LA LUZ-GOMEZ told the
3 Department that on or about September 14, 2020, DE LA LUZ-GOMEZ would remove the
4 \$40,000 lien on the Phelan property, in reference to the Lazaro Penaloza deed of trust. After
5 further questioning by the Department, DE LA LUZ-GOMEZ told the Department that on or
6 about September 14, 2020, DE LA LUZ-GOMEZ would also remove the \$50,000 lien on the
7 Phelan property, in reference to the Paul Driscoll deed of trust.

8 46.

9 On or about September 17, 2020, Respondent DE LA LUZ-GOMEZ recorded
10 the full reconveyance of the Paul Driscoll deed of trust.

11 47.

12 On or about September 21, 2020, Respondent DE LA LUZ-GOMEZ recorded
13 the full reconveyance of the Lazaro Penaloza deed of trust.

14 48.

15 On or about September 21, 2020, Respondent DE LA LUZ-GOMEZ provided
16 two money orders of \$600 each made payable to Respondent AGUILAR, for a total
17 commission of \$1,200 to AGUILAR for the Phelan property transaction.

18 49.

19 On or about October 27, 2020, Doraly Gomez Lopez sold the Phelan property.
20 After payoff of the mortgage note to Civic Financial Services, LLC, and the transaction costs
21 associated with a real property transaction such as \$16,450 in commissions to real estate
22 brokers, only \$4,630.65 remained and was disbursed from escrow to Doraly Gomez Lopez.
23 Doraly Gomez Lopez lost the remainder of the \$25,000 in deposits, and also lost the
24 opportunity to own a home.

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1 DEPARTMENT OF REAL ESTATE REQUEST FOR RECORDS

2 50.

3 On or about April 12, 2022, the Department served Respondent FRANSIS with
4 a subpoena for the production of the complete transaction files for the Phelan property
5 transaction.

6 51.

7 On or about April 29, 2022, Respondent FRANSIS submitted a signed
8 declaration in which she marked the selection for, "No copies of records are transmitted
9 because the above-named business has none of the records listed on the subpoena
10 dated 04/12/2022."

11 FIRST CAUSE OF ACTION

12 FRAUD AND DISHONEST DEALING

13 52.

14 The conduct, acts, and omissions of Respondent DE LA LUZ-GOMEZ, as
15 described in Paragraphs 3 through 49 above, are in violation of Code sections 10176(a),
16 10176(b), 10176(c), 10176(i), 10177(d), 10177(g) and/or 10177(j) and constitute cause under
17 Code sections 10176(a), 10176(b), 10176(i), 10177(d), 10177(g) and/or 10177(j) for the
18 suspension or revocation of all the licenses, license endorsements, and license rights of
19 DE LA LUZ-GOMEZ.

20 SECOND CAUSE OF ACTION

21 TRUST FUNDS MISHANDLING

22 53.

23 The conduct, acts, and omissions of Respondent DE LA LUZ-GOMEZ, as
24 described in Paragraphs 9 through 26 above, are in violation of Code section 10145(c) and
25 constitute cause under Code sections 10177(d) and/or 10177(g) for the suspension or revocation
26 of all the licenses, license endorsements, and license rights of DE LA LUZ-GOMEZ.

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1 THIRD CAUSE OF ACTION

2 UNLICENSED FICTITIOUS BUSINESS NAME

3 54.

4 The conduct, acts, and omissions of Respondent DE LA LUZ-GOMEZ, as
5 described in Paragraphs 18 through 38 above, are in violation of Code section 10159.5 and
6 Regulations section 2731 and constitute cause under Code sections 10177(d) and/or 10177(g)
7 for the suspension or revocation of all the licenses, license endorsements, and license rights of
8 DE LA LUZ-GOMEZ.

9 FOURTH CAUSE OF ACTION

10 FAILURE TO SUPERVISE

11 55.

12 The conduct, acts, or omissions of Respondent AGUILAR, as described in
13 Paragraphs 11 through 48 above, in failing to ensure compliance of the Real Estate Law by
14 Respondent DE LA LUZ-GOMEZ, are in violation of Code section 10177(h) and Regulations
15 section 2725 and constitute cause under Code sections 10177(d), 10177(g), and/or 10177(h) for
16 the suspension or revocation of all the licenses, license endorsements, and license rights of
17 AGUILAR.

18 FIFTH CAUSE OF ACTION

19 FAILURE TO RETAIN RECORDS

20 56.

21 The conduct, acts, and omissions of Respondent FRANSIS, as described in
22 Paragraphs 50 and 51 above, in failing to retain and make available for examination, copying,
23 and inspection the records related to the Phelan property transaction, are in violation of Code
24 sections 10148 and 10177(k) and constitute cause under Code sections 10177(d), 10177(g),
25 and/or 10177(k) for the suspension or revocation of all the licenses, license endorsements, and
26 license rights of FRANSIS.

27 ///

2 Code section 10106 provides, in pertinent part, that in any order issued in
3 resolution of a disciplinary proceeding before the Department of Real Estate, the Commissioner
4 may request the administrative law judge to direct a licensee found to have committed a
5 violation of this part to pay a sum not to exceed the reasonable costs of the investigation and
6 enforcement of the case.

7 WHEREFORE, Complainant prays that a hearing be conducted on the
8 allegations of this Accusation and that upon proof thereof, a decision be rendered imposing
9 disciplinary action against all the licenses, license endorsements, and license rights of
10 Respondents PORFIRIO DE LA LUZ-GOMEZ, OLEGARIO C AGUILAR, and
11 LIDIA E FRANSIS under the Real Estate Law, for the cost of investigation and enforcement as
12 permitted by law, and for such other and further relief as may be proper under other applicable
13 provisions of law.

14
15 Dated at San Diego, California

16 this 28 day of July, 2022

17
18 Veronica Kilpatrick
19 Veronica Kilpatrick
20 Supervising Special Investigator

21 cc: PORFIRIO DE LA LUZ-GOMEZ
22 OLEGARIO C AGUILAR
23 LIDIA E FRANSIS
24 Jaime Aguilar DBA J & M Realty and J & M Services
25 Veronica Kilpatrick
26 Sacto.
27

1 Department of Real Estate
2 320 West Fourth St, Ste 350
3 Los Angeles, CA, 90013

FILED

AUG 30 2022

DEPT. OF REAL ESTATE
By Chika Sunquist

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7
8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) DRE NO. *H-42241 LA*
12)
13 PORFIRIO DE LA LUZ-GOMEZ,) DEFAULT ORDER
14 OLEGARIO C AGUILAR,)
15 doing business as Aguilar Realty, and)
16 LIDIA E FRANSIS,)
doing business as Bridgeport Services,)
Respondents.)

17 Respondent LIDIA E FRANSIS, having failed to file a Notice of Defense
18 within the time required by Section 11506 of the Government Code, is now in default. It is,
19 therefore, ordered that a default be entered on the record in this matter.

20 IT IS SO ORDERED 8/26/2022

21 DOUGLAS R. McCauley
22 REAL ESTATE COMMISSIONER

23
24 By: Chika Sunquist
25 CHIKA SUNQUIST
26 Assistant Commissioner
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