

FILED

AUG 02 2023

DEPT. OF REAL ESTATE

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

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

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On April 8, 2022, an Accusation was filed and on August 9, 2022, a First Amended Accusation (“Accusation”) was filed in this matter against Respondent PORFIRIO DE LA LUZ-GOMEZ.

On June 7, 2023, Respondent PORFIRIO DE LA LUZ-GOMEZ petitioned the Commissioner to voluntarily surrender his real estate salesperson license pursuant to Section 10100.2 of the Business and Professions Code.

IT IS HEREBY ORDERED that Respondent PORFIRIO DE LA LUZ-GOMEZ’S petition for voluntary surrender of his real estate salesperson license is accepted as of the effective date of this Order as set forth below, based upon the understanding and agreement expressed in Respondent PORFIRIO DE LA LUZ-GOMEZ’S Declaration dated

1 June 7, 2023 (attached as Exhibit "A" hereto). Respondent PORFIRIO DE LA LUZ-
2 GOMEZ'S license certificate and pocket card shall be sent to the below listed address so that
3 they reach the Department of Real Estate on or before the effective date of this Order:

4 Department of Real Estate
5 Attn: Licensing Flag Section
6 P.O. Box 137013
7 Sacramento, CA 95813-7013

8 This Order shall become effective at 12 o'clock noon on 8/22/2023.

9 DATED: 7.27.23

10 DOUGLAS R. McCAULEY
11 REAL ESTATE COMMISSIONER



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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

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

My name is PORFIRIO DE LA LUZ-GOMEZ, and I am currently licensed as a real estate salesperson and/or have license rights with respect to said license(s). I am represented by Jerome D. Stark in this matter.

In lieu of proceeding in this matter in accordance with the provisions of the Administrative Procedure Act (Sections 11400 et seq., of the California Government Code), I wish to voluntarily surrender my real estate license issued by the Department of Real Estate ("Department") pursuant to California Business and Professions Code section 10100.2.

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Declaration of PORFIRIO DE LA LUZ-GOMEZ

1 I understand that by so voluntarily surrendering my license, I may be relicensed
2 as a broker or as a salesperson, or issued a mortgage loan originator endorsement, only by
3 petitioning for reinstatement pursuant to California Government Code section 11522. I also
4 understand that by so voluntarily surrendering my license, I agree to the following:

5 1. The filing of this Declaration shall be deemed as my petition for voluntary
6 surrender.

7 2. It shall also be deemed to be an understanding and agreement by me that I
8 waive all rights I have to require the Commissioner to prove the allegations contained in the
9 Accusation filed in this matter at a hearing held in accordance with the provisions of the
10 Administrative Procedure Act (California Government Code sections 11400 et seq.), and that I
11 also waive other rights afforded to me in connection with the hearing, such as the right to
12 discovery, the right to present evidence in defense of the allegations in the Accusation and the
13 right to cross-examine witnesses.

14 3. I further agree that upon acceptance by the Commissioner, as evidenced by
15 an appropriate order, all affidavits and all relevant evidence obtained by the Department in this
16 matter prior to the Commissioner's acceptance, and all allegations contained in the Accusation
17 filed in the Department Case No. H-42241 LA, may be considered by the Department to be true
18 and correct for the purpose of deciding whether to grant relicensure or reinstatement pursuant
19 to California Government Code section 11522.

20 4. I freely and voluntarily surrender all my licenses and license rights under the
21 Real Estate Law.

22 5. I cannot rescind my petition for voluntary surrender.

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Declaration of PORFIRIO DE LA LUZ-GOMEZ

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6. A copy of the Commissioner's Criteria of Rehabilitation is attached hereto. If and when a petition application is made for reinstatement of a surrendered license or endorsement, the Real Estate Commissioner will consider as one of the criteria of rehabilitation, whether or not restitution has been made to any person who has suffered monetary losses through "substantially related" acts or omissions of Respondent, whether or not such persons are named in the investigation file in this case.

7. If I am relicensed as a broker or as a salesperson, or issued a mortgage loan originator endorsement, after a petition for reinstatement pursuant to California Government Code section 11522, then all my licenses and licensing rights are indefinitely suspended unless or until unless I pay the sum of \$1,691.00 for the Commissioner's reasonable cost of the investigation and enforcement which led to this disciplinary action. Said payment shall be in the form of a cashier's check made payable to the Department of Real Estate. The investigative and enforcement costs must be delivered to the Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to my application for a license as a broker or as a salesperson or my application for a mortgage loan originator endorsement.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct and that this declaration was executed on June 7, 2023, at Santa Ana, California.

DATED: 6/7/23

[Redacted Signature]

PORFIRIO DE LA LUZ-GOMEZ
Respondent

DATED: 6/7/23

[Redacted Signature]

Jerome D. Stark
Counsel for Respondent
Approved as to Form

Declaration of PORFIRIO DE LA LUZ-GOMEZ

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FILED

AUG 02 2023

DEPT. OF REAL ESTATE

By

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of) No. H-42241 LA
)
PORFIRIO DE LA LUZ-GOMEZ,) STIPULATION AND AGREEMENT
OLEGARIO C AGUILAR,)
doing business as Aguilar Realty, and)
LIDIA E FRANSIS,)
doing business as Bridgeport Services,)
)
Respondents.)
)

It is hereby stipulated by and between Respondent OLEGARIO C AGUILAR (“Respondent”), represented by Jerome D. Stark, and the Complainant, acting by and through Steve Chu, Counsel for the Department of Real Estate (“Department”), as follows for the purpose of settling and disposing of the Accusation filed on April 8, 2022, and the First Amended Accusation filed on August 9, 2022, (“Accusation”) in this matter:

1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondent at a formal hearing on the Accusation, which hearing was to be held in accordance with the provisions of the Administrative Procedure Act (“APA”), shall instead and in place thereof be submitted solely on the basis of the provisions of this Stipulation and Agreement (“Stipulation”).

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1 2. Respondent has received, read and understands the Statement to
2 Respondent, the Discovery Provisions of the APA, and the Accusation filed by the Department
3 of Real Estate in this proceeding.

4 3. On April 19, 2022, Respondent filed a Notice of Defense pursuant to
5 Section 11506 of the Government Code for the purpose of requesting a hearing on the
6 allegations in the Accusation. Respondent hereby freely and voluntarily withdraws said Notice
7 of Defense. Respondent acknowledges that Respondent understands that by withdrawing said
8 Notice of Defense, Respondent will thereby waive Respondent's right to require the Real Estate
9 Commissioner ("Commissioner") to prove the allegations in the Accusation at a contested
10 hearing held in accordance with the provisions of the APA and that Respondent will waive
11 other rights afforded to Respondent in connection with the hearing such as the right to present
12 evidence in defense of the allegations in the Accusation and the right to cross-examine
13 witnesses.

14 4. Respondent, pursuant to the limitations set forth below, hereby admits
15 that the factual allegations in the Accusation filed in this proceeding are true and correct and
16 the Commissioner shall not be required to provide further evidence to prove such allegations.

17 5. It is understood by the parties that the Real Estate Commissioner may
18 adopt the Stipulation as his Decision in this matter, thereby imposing the penalty and sanctions
19 on Respondent's real estate license and license rights as set forth in the below Order. In the
20 event that the Commissioner in his discretion does not adopt the Stipulation, it shall be void
21 and of no effect, and Respondent shall retain the right to a hearing and proceeding on the
22 Accusation under all the provisions of the APA and shall not be bound by any admission or
23 waiver made herein.

24 6. The Order or any subsequent Order of the Commissioner made pursuant
25 to this Stipulation shall not constitute an estoppel, merger or bar to any further administrative or
26 civil proceedings by the Department with respect to any matters which were not specifically
27 alleged to be causes for the Accusation in this proceeding.

DETERMINATION OF ISSUES

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2 By reason of the foregoing stipulations, admissions, and waivers, and solely for
3 the purpose of settlement of the pending Accusation without a hearing, it is stipulated and
4 agreed that the following Determination of Issues shall be made:

5 The conduct, acts, and/or omissions of Respondent OLEGARIO C AGUILAR,
6 as described in the Accusation, constitute cause for the suspension or revocation of all real
7 estate licenses, license endorsements, and license rights of Respondent OLEGARIO C
8 AGUILAR under California Business and Professions Code (“Code”) section 10177(d),
9 10177(g), and 10177(h) for violation of Code section 10177(h) and Title 10, Chapter 6,
10 California Code of Regulations (“Regulations”) section 2725.

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ORDER

1. Respondent OLEGARIO C AGUILAR is publicly reprovod.

2. All licenses, license endorsements, and license rights of Respondent OLEGARIO C AGUILAR are indefinitely suspended unless or until Respondent pays the sum of \$14,701.70 for the Commissioner's reasonable cost of the investigation and enforcement which led to this disciplinary action. Said payment shall be in the form of a cashier's check made payable to the Department of Real Estate. The investigative and enforcement costs must be delivered to the Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this Decision and Order.

3. All licenses, license endorsements, and license rights of Respondent OLEGARIO C AGUILAR are indefinitely suspended unless or until Respondent pays the sum of \$17,500.00 for restitution for Doraly Gomez Lopez. Said payment shall be in the form of a cashier's check made payable to Doraly Gomez Lopez. The restitution check must be delivered to Steve Chu, Department of Real Estate, 320 West 4th Street, Suite 350, Los Angeles, California 90013-1105, prior to the effective date of this Decision and Order.

DATED: 6/8/2023


Steve Chu, Counsel
Department of Real Estate

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I have read the Stipulation and Agreement. I understand that I am waiving rights given to me by the California Administrative Procedure Act, (including but not limited to Sections 11521 and 11523 of the Government Code), and I willingly, intelligently, and voluntarily waive those rights, including the right to seek reconsideration and the right to seek judicial review of the Commissioner's Decision and Order by way of a writ of mandate.

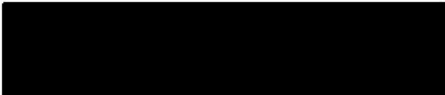
I agree, acknowledge, and understand that I cannot rescind or amend this Stipulation and Agreement.

I can signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by mailing the original signed Stipulation and Agreement by June 9, 2023, to: Steve Chu, Department of Real Estate, 320 West 4th Street, Suite 350, Los Angeles, California 90013-1105. Steve Chu must receive the original signed Stipulation and Agreement or a copy faxed to (213) 576-6917 by June 9, 2023; if not, this Stipulation and Agreement is invalid and void because the sum for the Commissioner's reasonable cost of the investigation and enforcement which led to this disciplinary action will increase.

DATED: 06/07/23


OLEGARIO C AGUILAR
Respondent

DATED: 6/7/23


Jerome D. Stark
Counsel for Respondent
Approved as to Form

The foregoing Stipulation and Agreement is hereby adopted by me as my
Decision in this matter as to Respondent OLEGARIO C AGUILAR, and shall become effective
at 12 o'clock noon on 8/22/2023.

IT IS SO ORDERED 7.27.23

DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER



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