

FILED

DEPARTMENT OF REAL ESTATE
P. O. Box 187007
Sacramento, CA 95818-7007
Telephone: (916) 227-2380

June 11, 2012

DEPARTMENT OF REAL ESTATE

By [Signature]

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

GRACE GUTIERREZ,
IRMA CASILLAS and
LUIS NAVARRO CASILLAS,

Re

DRE No. H-2593 FR

STIPULATION AND AGREEMENT
IN SETTLEMENT AND ORDER

It is hereby stipulated by and between GRACE GUTIERREZ (GUTIERREZ), IRMA CASILLAS (I CASILLAS), and LUIS NAVARRO CASILLAS (L. CASILLAS), (collectively, Respondents), and their counsel Virginia Cale, and the Complainant, acting by and through Richard K. Uno, Counsel for the Department of Real Estate; as follows for the purpose of settling and disposing of the Accusation filed on March 1, 2011, in this matter:

1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondents 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 In Settlement and Order.

/ / /

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

4 3. On March 14, 2011, Respondents GUTIERREZ, I. CASILLAS and L
5 CASILLAS, filed a Notice of Defense pursuant to Section 11505 of the Government Code for the
6 purpose of requesting a hearing on the allegations in the Accusation. Respondents hereby freely
7 and voluntarily withdraw said Notices of Defense. Respondents acknowledge that they
8 understand that by withdrawing said Notices of Defense they will thereby waive their right to
9 require the Commissioner to prove the allegations in the Accusation at a contested hearing held
10 in accordance with the provisions of the APA and that they will waive other rights afforded to
11 them in connection with the hearing such as the right to present evidence in defense of the
12 allegations in the Accusation and the right to cross-examine witnesses.

13 4. This Stipulation and Respondents' decision not to contest the Accusation
14 are made for the purpose of reaching an agreed disposition of this proceeding and are expressly
15 limited to this proceeding and any other proceeding or case in which the Department of Real
16 Estate (hereinafter "the Department"), the state or federal government, an agency of this state, or
17 an agency of another state is involved.

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

25 ///

26 //

27 /

1 6. The Order or any subsequent Order of the Real Estate Commissioner made
2 pursuant to this Stipulation and Agreement In Settlement and Order shall not constitute an
3 estoppel, merger or bar to any further administrative or civil proceedings by the Department of
4 Real Estate with respect to any matters which were not specifically alleged to be causes for
5 accusation in this proceeding.

6 DETERMINATION OF ISSUES

7 By reason of the foregoing stipulations, admissions and waivers, and solely for
8 the purpose of settlement of the pending Accusation without a hearing, it is stipulated and agreed
9 that the acts and/or omissions of Respondents, as described in the Accusation, constitute grounds
10 for the suspension or revocation of the licenses and license rights of GRACE GUTIERREZ,
11 IRMA CASILLAS and LUIS NAVARRO CASILLAS under the provisions of Sections
12 10176(a), 10176(i) and 10177(j) of the Business and Professions Code (the Code).

13 ORDER

14 GRACE GUTIERREZ

15 1. The real estate salesperson license and license rights of GUTIERREZ,
16 under the Real Estate Law are suspended for a period of sixty (60) days from the effective date
17 of this Order; provided, however, that if GUTIERREZ petitions, thirty (30) days of said
18 suspension shall be stayed upon condition that:

19 a. GUTIERREZ pays a monetary penalty pursuant to Section
20 10175.2 of the Code at the rate of \$100.00 per day for thirty (30) days of the suspension for a
21 total monetary penalty of \$3,000.00.

22 b. Said payment shall be in the form of a cashier's check or certified
23 check made payable to the Consumer Recovery Account of the Real Estate Fund. Said check
24 must be received by the Department prior to the effective date of the Decision in this matter.

25 c. No further cause for disciplinary action against the real estate
26 license of GUTIERREZ occurs within one year from the effective date of the Decision in this
27 matter.

1 d. If GUTIERREZ fails to pay the monetary penalty in accordance
2 with the terms and conditions of the Decision, the Commissioner may, without a hearing, order
3 the immediate execution of all or any part of the stayed suspension in which event GUTIERREZ
4 shall not be entitled to any repayment nor credit, prorated or otherwise, for money paid to the
5 Department under the terms of this Decision.

6 e. If GUTIERREZ pays the monetary penalty, and if no further cause
7 for disciplinary action against the real estate license of GUTIERREZ occurs within one (1) year
8 from the effective date of the Decision, the stay hereby granted shall become permanent.

9 2. The remaining thirty (30) days of said suspension shall be stayed for one
10 (1) year upon the following terms and conditions:

11 a. GUTIERREZ shall obey all laws, rules and regulations governing
12 the rights, duties and responsibilities of a real estate licensee in the State of California and;

13 b. That no final subsequent determination be made, after hearing or
14 upon stipulation, that cause for disciplinary action occurred within one (1) year from the
15 effective date of this Order. Should such a determination be made, the Commissioner may, in
16 his discretion, vacate and set aside the stay order and reimpose all or a portion of the stayed
17 suspension.

18 3. GUTIERREZ shall, within six (6) months from the effective date of this
19 Decision, take and pass the Professional Responsibility Examination administered by the
20 Department including the payment of the appropriate examination fee. If GUTIERREZ fails to
21 satisfy this condition, the Commissioner may order suspension of GUTIERREZ's license until
22 Respondent passes the examination.

23 IRMA CASILLAS

24 1. The real estate salesperson license and license rights of I. CASILLAS,
25 under the Real Estate Law are suspended for a period of sixty (60) days from the effective date
26 of this Order; provided, however, that if I CASILLAS petitions, thirty (30) days of said
27 suspension shall be stayed upon condition that:

1 a. I. CASILLAS pays a monetary penalty pursuant to Section
2 10175.2 of the Code at the rate of \$100.00 per day for thirty (30) days of the suspension for a
3 total monetary penalty of \$3,000.00.

4 b. Said payment shall be in the form of a cashier's check or certified
5 check made payable to the Consumer Recovery Account of the Real Estate Fund. Said check
6 must be received by the Department prior to the effective date of the Decision in this matter.

7 c. No further cause for disciplinary action against the real estate
8 license of I. CASILLAS occurs within one year from the effective date of the Decision in this
9 matter.

10 d. If I. CASILLAS fails to pay the monetary penalty in accordance
11 with the terms and conditions of the Decision, the Commissioner may, without a hearing, order
12 the immediate execution of all or any part of the stayed suspension in which event I. CASILLAS
13 shall not be entitled to any repayment nor credit, prorated or otherwise, for money paid to the
14 Department under the terms of this Decision.

15 e. If I. CASILLAS pays the monetary penalty, and if no further cause
16 for disciplinary action against the real estate license of Respondent occurs within one (1) year
17 from the effective date of the Decision, the stay hereby granted shall become permanent.

18 2. The remaining thirty (30) days of said suspension shall be stayed for one
19 (1) year upon the following terms and conditions:

20 a. I. CASILLAS shall obey all laws, rules and regulations governing
21 the rights, duties and responsibilities of a real estate licensee in the State of California, and,

22 b. That no final subsequent determination be made, after hearing or
23 upon stipulation, that cause for disciplinary action occurred within one (1) year from the
24 effective date of this Order. Should such a determination be made, the Commissioner may, in
25 his discretion, vacate and set aside the stay order and reimpose all or a portion of the stayed
26 suspension. Should no such determination be made, the stay imposed herein shall become
27 permanent.

3. I. CASILLAS shall, within six (6) months from the effective date of this
Decision, take and pass the Professional Responsibility Examination administered by the
Department including the payment of the appropriate examination fee. If I. CASILLAS fails to
satisfy this condition, the Commissioner may order suspension of Respondent's license until
I. CASILLAS passes the examination.

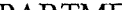
LUIS NAVARRO CASILLAS

1. The real estate license and licensing rights of L. CASILLAS are revoked.

L. CASILLAS withdraws his pending petition for reinstatement.

MAR 26 2012

DATED



 RICHARD K. UNO, Counsel
 DEPARTMENT OF REAL ESTATE


///

//

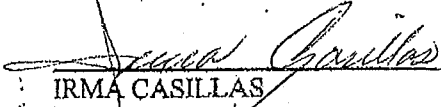
/

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

March 8th 2012
DATED


GRACE GUTIERREZ
Respondent

March 8th 2012
DATED



IRMA CASILLAS
Respondent

MARCH 8, 2012
DATED


LUIS NAVARRO CASILLAS
Respondent

I have reviewed this Stipulation and Agreement as to form and content and have advised my clients accordingly.

3/8/12
DATED


VIRGINIA CALE
GOODMAN & ASSOCIATES
Attorney For Respondents

///

The foregoing Stipulation and Agreement In Settlement and Order is hereby
adopted by the Real Estate Commissioner as his Decision and Order and shall become effective
at 12 o'clock noon on JUL 02 2012

IT IS SO ORDERED

6/5/2012

REAL ESTATE COMMISSIONER

By: 

By WAYNE S. BELL
Chief Counsel