1 **BUREAU OF REAL ESTATE** P. O. Box 137007 2 Sacramento, CA 95813 **BUREAU OF REAL ESTAT** 3 Telephone: (916) 263-8670 4 5 6 7 BEFORE THE BUREAU OF REAL ESTATE 8 STATE OF CALIFORNIA 9 10 To: No. H-6403 SAC 11 NORCAL VENTURE REAL ESTATE & 12 INVESTMENTS, INC., FRANCISCO MACIAS, ORDER TO DESIST AND REFRAIN and JOLY QUINTONG GAGNI. (B&P Code Section 10086) 13 14 15 The Real Estate Commissioner of the State of California (Commissioner) has 16 caused an investigation to be made of the activities of NORCAL VENTURE REAL ESTATE & 17 INVESTMENTS, INC. (NVREI), FRANCISCO MACIAS (MACIAS) and JOLY QUINTONG 18 GAGNI (GAGNI), collectively referred to as Respondents. Based on that investigation, the 19 Commissioner has determined that GAGNI has engaged in, are engaging in, or are attempting to 20 engage in, acts or practices constituting violations of the California Business and Professions 21 Code (Code), including the business of, acting in the capacity of, and/or advertising or assuming 22 to act as a real estate broker in the State of California with the meaning of Section 10131(a) 23 (residential resales) of the Code without first having obtained a real estate broker license and 24 that NVREI and MACIAS have employed and compensated GAGNI to perform acts which 25 require a Real Estate License, in violation of Section 10137 and 10138 of the Code. 26 Furthermore, based on the investigation, the Commissioner hereby issues the following Findings 27

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NVREI, MACIAS AND GAGNI

ORDER TO DESIST AND REFRAIN

of Fact, Conclusions of Law, and Desist and Refrain Order under the authority of Section 10186 of the Code.

GAGNI has violated Section 10130 of the Code by engaging in the business of or acting as a real estate license, within the meaning of Section 10131(a) of the Code without first obtaining a real estate license from the State of California.

Whenever acts referred to below are attributed to NVREI, those acts are alleged to have been done by NVREI, or by and/or through one or more agents, associates, and/or co-conspirators, and using other names or fictitious names unknown at this time.

## FINDINGS OF FACT

- 1. At all times mentioned herein, NVREI was licensed by the Bureau as a corporate real estate broker.
- 2. At all times mentioned herein, MACIAS was licensed by the Bureau as a real estate broker and the designated officer of NVREI.
- 3. At no time mentioned herein, was GAGNI licensed by the Bureau as a real estate salesperson or broker.
- 4. At all times mentioned herein, Respondents engaged in the business of, acted in the capacity of, advertised, or assumed to act as a real estate licensee, in the State of California, within the meaning of Section 10131(a) of the Code, including the operation and conduct of a residential resale brokerage wherein Respondent bought, sold, or offered to buy or sell, solicited or obtained listings of, and negotiated the purchase, sale or exchange of real property or business opportunities, all for or in expectation of compensation, including, but not limited to 3633 Buhler Way, North Highlands, California, 3141 Amoruso Way, Roseville, California and 161 S. Lincoln Street, Roseville, California.
- 5. At all times mentioned herein, NVREI and MACIAS employed GAGNI to engage in real estate activities.

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1	6. On or about June, 2012, GAGNI assisted Mark and Joanne M. with their
2	attempted short sale of their real property commonly known as 3633 Buhler Way, North
3	Highlands, California (Buhler Property).
4	7. GAGNI, as part of her activities to assist in the short sale, listed her
5	Daughter, Klarisse Gagni, as the proposed buyer.
6	8 On or about July 9, 2013, GAGNI assisted Mark and Joanne M. in their
7	efforts to purchase real property commonly known as 3141 Amoruso Way, Roseville, California
8	(Amoruso Property)
9	GAGNI, as part of her activities to assist in the purchase of the Amoruso
10	Property, accepted an earnest money deposit toward the purchase of the Amoruso Property.
11	10. On or about November 12, 2013, GAGNI assisted Mark and Joanne M. in
12	their efforts to purchase real property commonly known as 161 S. Lincoln Street, Roseville,
13	California (Lincoln Property).
14	11. GAGNI, as part of her activities to assist in the purchase of the Lincoln
15	Property, accepted an earnest money deposit toward the purchase of the Lincoln Property.
16	CONCLUSIONS OF LAW
17	1. Based on the Findings of Fact contained in Paragraphs 1 through 11,
18	above, Respondents have performed and/or participated in residential resale activities which
19	require a real estate license under Section 10131(a) of the Code, during a period of time when
20	none of the Respondents were licensed by the Bureau as a real estate salesperson or broker in
21	violation of Section 10130 of the Code.
22	DESIST AND REFRAIN ORDER
23	Now, therefore, JOLY QUINTONG GAGNI IS HEREBY ORDERED TO
24	IMMEDIATELY DESIST AND REFRAIN from performing any and all acts within the State of
25	California for which a real salesperson or broker license is required, unless and until she obtains

a real estate salesperson or broker license.

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Now, therefore, NORCAL VENTURE REAL ESTATE & INVESTMENTS, INC. AND FRANCISCO MACIAS ARE HEREBY ORDERED to immediately Desist and Refrain from employing and/or compensating any person for performing any acts which require a real estate license within the State of California unless and until that person has obtained from the Bureau a real estate salesperson or real estate broker license.

DATED: July 9, 7716

WAYNE S. BELL
REAL LITTLE COMMISSIONER

By: JEFFREY MASON Chief Deputy Commissioner

## **NOTICE**

Business and Professions Code Section 10139 provides that "Any person acting as a real estate broker or real estate salesperson without a license or who advertises using words indicating that he or she is a real estate broker without being so licensed shall be guilty of a public offense punishable by a fine not exceeding twenty thousand dollars (\$20,000), or by imprisonment in the county jail for a term not to exceed six months, or by both fine and imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars (\$60,000)..."