

1 BUREAU OF REAL ESTATE
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FILED
JUN 23 2016
BUREAU OF REAL ESTATE
By *L. Frost*

7 BEFORE THE BUREAU OF REAL ESTATE
8 STATE OF CALIFORNIA

9 * * *

10 To:)
11) No. H-6403 SAC
12 NORCAL VENTURE REAL ESTATE &)
13 INVESTMENTS, INC., FRANCISCO MACIAS,) ORDER TO DESIST AND REFRAIN
14 and JOLY QUINTONG GAGNI.) (B&P Code Section 10086)
15)
16)
17)

16 The Real Estate Commissioner of the State of California (Commissioner) has
17 caused an investigation to be made of the activities of NORCAL VENTURE REAL ESTATE &
18 INVESTMENTS, INC. (NVREI), FRANCISCO MACIAS (MACIAS) and JOLY QUINTONG
19 GAGNI (GAGNI), collectively referred to as Respondents. Based on that investigation, the
20 Commissioner has determined that GAGNI has engaged in, are engaging in, or are attempting to
21 engage in, acts or practices constituting violations of the California Business and Professions
22 Code (Code), including the business of, acting in the capacity of, and/or advertising or assuming
23 to act as a real estate broker in the State of California with the meaning of Section 10131(a)
24 (residential resales) of the Code without first having obtained a real estate broker license and
25 that NVREI and MACIAS have employed and compensated GAGNI to perform acts which
26 require a Real Estate License, in violation of Section 10137 and 10138 of the Code.
27 Furthermore, based on the investigation, the Commissioner hereby issues the following Findings

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

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

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

9 FINDINGS OF FACT

10 1. At all times mentioned herein, NVREI was licensed by the Bureau as a
11 corporate real estate broker.

12 2. At all times mentioned herein, MACIAS was licensed by the Bureau as a
13 real estate broker and the designated officer of NVREI.

14 3. At no time mentioned herein, was GAGNI licensed by the Bureau as a real
15 estate salesperson or broker.

16 4. At all times mentioned herein, Respondents engaged in the business of,
17 acted in the capacity of, advertised, or assumed to act as a real estate licensee, in the State of
18 California, within the meaning of Section 10131(a) of the Code, including the operation and
19 conduct of a residential resale brokerage wherein Respondent bought, sold, or offered to buy or
20 sell, solicited or obtained listings of, and negotiated the purchase, sale or exchange of real
21 property or business opportunities, all for or in expectation of compensation, including, but not
22 limited to 3633 Buhler Way, North Highlands, California, 3141 Amoruso Way, Roseville,
23 California and 161 S. Lincoln Street, Roseville, California.

24 5. At all times mentioned herein, NVREI and MACIAS employed GAGNI to
25 engage in real estate activities.

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

6 DATED: June 9, 2016

7 WAYNE S. BELL
8 REAL ESTATE COMMISSIONER

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10 By: JEFFREY MASON
11 Chief Deputy Commissioner

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14 **NOTICE**

15 Business and Professions Code Section 10139 provides that "Any person acting
16 as a real estate broker or real estate salesperson without a license or who advertises using words
17 indicating that he or she is a real estate broker without being so licensed shall be guilty of a
18 public offense punishable by a fine not exceeding twenty thousand dollars (\$20,000), or by
19 imprisonment in the county jail for a term not to exceed six months, or by both fine and
20 imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars
21 (\$60,000)..."