

1 I have considered the petition of Respondent and the
2 evidence and arguments in support thereof including Respondent's
3 record as a restricted licensee. Respondent has demonstrated to
4 my satisfaction that Respondent meets the requirements of law
5 for the issuance to Respondent of an unrestricted real estate
6 salesperson license and that it would not be against the public
7 interest to issue said license to Respondent.

8 NOW, THEREFORE, IT IS ORDERED that Respondent's
9 petition for reinstatement is granted and that a real estate
10 salesperson license be issued to Respondent, if Respondent
11 satisfies the following conditions within nine months from the
12 date of this Order:

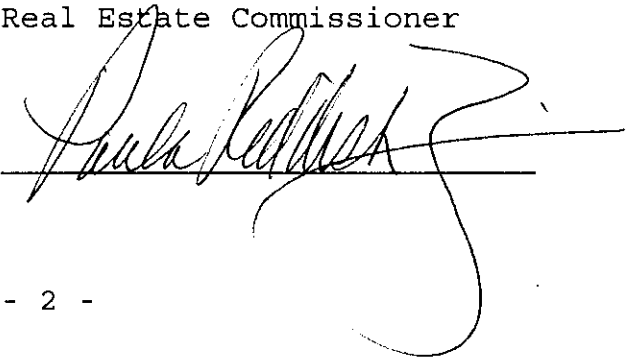
13 1. Submittal of a completed application and payment
14 of the fee for a real estate salesperson license.

15 2. Submittal of evidence of having, since the most
16 recent issuance of an original or renewal real estate license,
17 taken and successfully completed the continuing education
18 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
19 for renewal of a real estate license.

20 This Order shall be effective immediately.

21 DATED: December 20, 2002.
22

23
24 PAULA REDDISH ZINNEMANN
Real Estate Commissioner

25
26 
27

1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 187000
3 Sacramento, CA 95818-7000
4 Telephone: (916) 227-0789

FILED
JAN 8 1998
DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 VILIA KAKIS GILLES,)
13 Respondent.)
14 _____)

NO. H-7425 SF
STIPULATION AND AGREEMENT

15 It is hereby stipulated by and between VILIA KAKIS
16 GILLES (hereinafter "Respondent") and her attorney, Albert J.
17 Nicora, and the Complainant, acting by and through Larry A.
18 Alamao, Counsel for the Department of Real Estate, as follows for
19 the purpose of settling and disposing of the Accusation filed on
20 January 3, 1997 in this matter:

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



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

5 3. Respondent filed a Notice of Defense pursuant to
6 Section 11505 of the Government Code for the purpose of requesting
7 a hearing on the allegations in the Accusation. Respondent hereby
8 freely and voluntarily withdraws said Notice of Defense.
9 Respondent acknowledges that she will thereby waive her right to
10 require the Commissioner to prove the allegations in the
11 Accusation at a contested hearing held in accordance with the
12 provisions of the APA and that she will waive other rights
13 afforded to her in connection with the hearing such as the right
14 to present evidence in defense of the allegations in the
15 Accusation and the right to cross-examine witnesses.

16 4. Respondent, pursuant to the limitations set forth
17 below, hereby admits that the factual allegations in Paragraphs I
18 through IV of the Accusation filed in this proceeding are true and
19 correct and the Real Estate Commissioner shall not be required to
20 provide further evidence to prove such allegations

21 5. It is understood by the parties that the Real
22 Estate Commissioner may adopt the Stipulation and Agreement as his
23 decision in this matter thereby imposing the penalty and sanctions
24 on Respondent's real estate license and license rights as set
25 forth in the below "Order". In the event that the Commissioner in
26 his discretion does not adopt the Stipulation and Agreement in
27 Settlement, it shall be void and of no effect, and Respondent

1 shall retain the right to a hearing and proceeding on the
2 Accusation under all the provisions of the APA and shall not be
3 bound by any admission or waiver made herein.

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

11 DETERMINATION OF ISSUES

12 By reason of the foregoing stipulations, admissions, and
13 waivers, and solely for the purpose of settlement of the pending
14 Accusation without hearing, it is stipulated and agreed that the
15 following Determination of Issues shall be made:

16 I

17 The acts and/or omissions of Respondent as described in
18 the Accusation, violate Sections 490 and 10177(b) of the Business
19 and Professions Code.

20 ORDER

21 All licenses and licensing rights of Respondent VILIA
22 KAKIS GILLES under the Real Estate Law are revoked; provided,
23 however, a restricted real estate salesperson license shall be
24 issued to Respondent pursuant to Section 10156.5 of the Business
25 and Professions Code if Respondent makes application therefor and
26 pays to the Department of Real Estate the appropriate fee for the
27 restricted license within 90 days from the effective date of this



1 Decision. The restricted license issued to Respondent shall be
2 subject to all of the provisions of Section 10156.7 of the
3 Business and Professions Code and to the following limitations,
4 conditions and restrictions imposed under authority of Section
5 10156.6 of that Code:

6 1. The restricted license issued to Respondent
7 may be suspended prior to hearing by Order of the Real Estate
8 Commissioner in the event of Respondent's conviction or plea
9 of nolo contendere to a crime which is substantially related
10 to Respondent's fitness or capacity as a real estate licensee.

11 2. The restricted license issued to Respondent may be
12 suspended prior to hearing by Order of the Real Estate
13 Commissioner on evidence satisfactory to the Commissioner that
14 Respondent has violated provisions of the California Real
15 Estate Law, the Subdivided Lands Law, Regulations of the Real
16 Estate Commissioner or conditions attaching to the restricted
17 license.

18 3. Respondent shall not be eligible to apply for the
19 issuance of an unrestricted real estate license nor for removal of
20 any of the conditions, limitations or restrictions of a restricted
21 license until one (1) year has elapsed from the effective date of
22 this Decision.

23 4. Respondent shall submit with any application for
24 license under an employing broker, or any application for transfer
25 to a new employing broker, a statement signed by the prospective
26 employing real estate broker on a form approved by the Department
27 of Real Estate which shall certify:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

(a) That the employing broker has read the Decision of the Commissioner which granted the right to a restricted license; and,

(b) That the employing broker will exercise close supervision over the performance by the restricted licensee relating to activities for which a real estate license is required.

5. Respondent shall, within nine (9) months from the effective date of this Decision, present evidence satisfactory to the Real Estate Commissioner that Respondent has, since the most recent issuance of an original or renewal real estate license, taken and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate license. If Respondent fails to satisfy this condition, the Commissioner shall afford Respondent the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence.

9/30/97
DATED

Larry Alamao
LARRY A. ALAMAO, Counsel
DEPARTMENT OF REAL ESTATE

* * *

I have read the Stipulation and Agreement, have discussed it with my counsel, 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,


1 intelligently, and voluntarily waive those rights, including the
2 right of requiring the Commissioner to prove the allegations in
3 the Accusation at a hearing at which I would have the right to
4 cross-examine witnesses against me and to present evidence in
5 defense and mitigation of the charges.

6
7 10-23-97
8 DATED


9
10 VILIA KAKIS GILLES
11 Respondent

12 *I have reviewed the Stipulation and Agreement as to form and*
13 *content and have advised my client accordingly.*

14 10-23-97
15 DATED

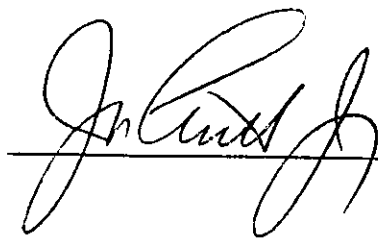

16 ALBERT J. NICORA
17 Attorney for Respondent

18 * * *

19 The foregoing Stipulation and Agreement for Settlement
20 is hereby adopted by the Real Estate Commissioner as his Decision
21 and Order and shall become effective at 12 o'clock noon on
22 January 28, 1998.

23 IT IS SO ORDERED 12/16, 1997.

24 JIM ANTT, JR.
25 Real Estate Commissioner


26
27

**BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA**

By Laurie A. Zan

In the Matter of the Accusation of

VILIA KAKIS GILLES,

}

Case No. H-7425 SF
OAH No. _____

Respondent

FIRST AMENDED
NOTICE OF HEARING ON ACCUSATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at the
Office of Administrative Hearings, World Savings Tower, 1970 Broadway,
Second Floor, Oakland, CA 94612

on Wednesday -- September 10, 1997, at the hour of 9:00 AM,
or as soon thereafter as the matter can be heard, upon the Accusation served upon you.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter. The interpreter must be approved by the Administrative Law Judge conducting the hearing as someone who is proficient in both English and the language in which the witness will testify. You are required to pay the costs of the interpreter unless the Administrative Law Judge directs otherwise.

DEPARTMENT OF REAL ESTATE

Dated: June 10, 1997

By Larry Alamao
LARRY A. ALAMAO Counsel

FILED
MAY - 6 1997

**BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA**

DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

In the Matter of the Accusation of

VILIA KAKIS GILLES,

}

Case No. H-7425 SF

OAH No. _____

Respondent

NOTICE OF HEARING ON ACCUSATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at _____

The Office of Administrative Hearings, World Savings Tower,

1970 Broadway, Second Floor, Oakland, California 94612

on Wednesday -- July 9, 1997, at the hour of 9:30 AM,
or as soon thereafter as the matter can be heard, upon the Accusation served upon you.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter. The interpreter must be approved by the Administrative Law Judge conducting the hearing as someone who is proficient in both English and the language in which the witness will testify. You are required to pay the costs of the interpreter unless the Administrative Law Judge directs otherwise.

DEPARTMENT OF REAL ESTATE

Dated: April 30, 1997

By David A. Peters
DAVID A. PETERS Counsel

1 DAVID B. SEALS, Counsel
Department of Real Estate
2 P. O. Box 187000
Sacramento, CA 95818-7000
3 Telephone: (916) 227-0789
4 or: (916) 227-0792

FILED
JAN - 3 1997
DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 VILIA KAKIS GILLES,) NO. H-7425 SF
13 Respondent.) ACCUSATION
14 _____)

15 The Complainant, Les R. Bettencourt, a Deputy Real
16 Estate Commissioner of the State of California for cause of
17 Accusation against VILIA KAKIS GILLES (hereinafter "Respondent")
18 is informed and alleges as follows:

19 I

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

24 II

25 The Complainant, Les R. Bettencourt, a Deputy Real
26 Estate Commissioner of the State of California, makes this
27 Accusation in his official capacity.



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27


III

On or about May 22, 1996, in the Municipal Court of California, County of Monterey, Monterey Division, Respondent was convicted of violation of Section 484(a) of the California Penal Code (Theft), a crime involving moral turpitude which is substantially related under Section 2910, Title 10, California Code of Regulations to the qualifications, functions or duties of a real estate licensee.

IV

The facts alleged above constitute cause under Sections 490 and 10177(b) of the Code for suspension or revocation of all licenses and license rights of Respondent under the Real Estate Law.

WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against all licenses and license rights of Respondent under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code), and for such other and further relief as may be proper under other provisions of law.


LES R. BETTENCOURT
Deputy Real Estate Commissioner

Dated at San Francisco, California,
this 17th day of December 1996.

