

1 DEPARTMENT OF REAL ESTATE  
2 P. O. Box 187007  
3 Sacramento, CA 95818-7007  
4 Telephone: (916) 227-0789

**FILED**

OCT 28 2013

BUREAU OF REAL ESTATE

By *[Signature]*

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )  
12 ) NO. H-11374 SF  
13 JULIAN AVILA MANCIAS, )  
14 CHRIS ANTHONY PISCIOTTA, and ) STIPULATION AND AGREEMENT  
15 KATHERINE ANN JONES PISCIOTTA, )  
16 Respondents. )

17 It is hereby stipulated by and between Respondents JULIAN AVILA MANCIAS,  
18 acting on his own behalf, CHRIS ANTHONY PISCIOTTA and KATHERINE ANN JONES  
19 PISCIOTTA (collectively referred to herein as "Respondents"), acting by and through Roger D.  
20 Wintle, Esq., Counsel for Respondents CHRIS ANTHONY PISCIOTTA and KATHERINE  
21 ANN JONES PISCIOTTA, and the Complainant, acting by and through Annette E. Ferrante,  
22 Esq., Counsel for the Department of Real Estate ("Department"), as follows for the purpose of  
23 settling and disposing of the Accusation filed on May 14, 2012, in this matter:

24 1. All issues which were to be contested and all evidence which was to be  
25 presented by Complainant and Respondents at a formal hearing on the Accusation, which  
26 hearing was to be held in accordance with the provisions of the Administrative Procedure Act

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1 (“APA”), shall instead and in place thereof be submitted solely on the basis of the provisions  
2 of this Stipulation and Agreement.

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

6               3.       Respondents filed a Notice of Defense pursuant to Section 11505 of the  
7 Government Code for the purpose of requesting a hearing on the allegations in the Accusation.  
8 Respondents hereby freely and voluntarily withdraw said Notice of Defense. Respondents  
9 acknowledge that Respondents understand that by withdrawing said Notice of Defense,  
10 Respondents will thereby waive Respondents’ right to require the Real Estate Commissioner  
11 (“Commissioner”) to prove the allegations in the Accusation at a contested hearing held in  
12 accordance with the provisions of the APA and that Respondents will waive other rights  
13 afforded to Respondents in connection with the hearing such as the right to present evidence in  
14 defense of the allegations in the Accusation and the right to cross-examine witnesses.

15              4.       This Stipulation is based on the factual allegations contained in the  
16 Accusation. In the interest of expedience and economy, Respondents choose not to contest these  
17 factual allegations, but to remain silent and understand that, as a result thereof, these factual  
18 statements will serve as a prima facie basis for the “Determination of Issues” and “Order” set  
19 forth below. The Commissioner shall not be required to provide further evidence to prove such  
20 allegations.

21              5.       This Stipulation and Respondents’ decision not to contest the Accusation  
22 are made for the purpose of reaching an agreed disposition in this proceeding and are expressly  
23 limited to this proceeding and any other proceeding or case in which the Department, the state or  
24 federal government, an agency of this state, or an agency of another state is involved.

25              6.       It is understood by the parties that the Commissioner may adopt the  
26 Stipulation and Agreement as his decision in this matter, thereby imposing the penalty and

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1 sanctions on Respondents' real estate licenses and license rights as set forth in the "Order"  
2 below. In the event that the Commissioner in his discretion does not adopt the Stipulation and  
3 Agreement, it shall be void and of no effect, and Respondents shall retain the right to a hearing  
4 and proceeding on the Accusation under all of the provisions of the APA and shall not be bound  
5 by any admission or waiver made herein.

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

10           8.       Respondents understand that by agreeing to this Stipulation and  
11 Agreement, Respondents agree to pay, pursuant to Section 10148 of the California Business  
12 and Professions Code ("the Code"), the costs of the audit which resulted in the determination  
13 that Respondents committed the trust fund violation(s) found in the Determination of Issues.  
14 The amount of such costs is \$6,928.00.

15           9.       Respondents further understand that by agreeing to this Stipulation and  
16 Agreement, the findings set forth below in the Determination of Issues become final, and that  
17 the Commissioner may charge said Respondents for the costs of any audit conducted pursuant  
18 to Section 10148 of the Code to determine if the violations have been corrected. The  
19 maximum costs of said audit shall not exceed \$6,928.00.

20           10.      Respondents understand that by agreeing to this Stipulation and  
21 Agreement, Respondents agree to pay, pursuant to Section 10106 of the Code, the costs of the  
22 investigation and enforcement of this case which resulted in the determination that  
23 Respondents committed the violation(s) found in the Determination of Issues. The amount of  
24 such cost is \$1,094.58.

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DETERMINATION OF ISSUES

By reason of the foregoing stipulations, admissions and waivers and solely for the purpose of settlement of the pending Accusation without hearing, it is stipulated and agreed that the following determination of issues shall be made:

I.

The acts and omissions of Respondent JULIAN AVILA MANCIAS, as described in the Accusation are grounds for the suspension or revocation of his licenses and license rights under the provisions of Sections 10145, 10159.2, 10159.5, 10163, 10176(a), 10176(b), 10176(i), 10177(d), 10177(g), and 10177(h) of the Code, and Sections 2715, 2725, 2731, 2831.1, and 2832, of Title 10 of the California Code of Regulations (“the Regulations”).

II.

The acts and omissions of Respondent CHRIS ANTHONY PISCIOTTA as described in the Accusation are grounds for the suspension or revocation of his licenses and license rights under the provisions of Sections 10145, 10177(d), and 10177(g) of the Code, and Sections 2831.1, 2831.2, and 2832.1 of the Regulations.

III.

The acts and omissions of Respondent KATHERINE ANN JONES PISCIOTTA as described in the Accusation are grounds for the suspension or revocation of her licenses and license rights under the provisions of Sections 10145, 10177(d), and 10177(g) of the Code, and Sections 2831.1, 2831.2, and 2832.1 of the Regulations.

ORDER

I.

1. The real estate broker license and license rights of Respondent JULIAN AVILA MANCIAS (“MANCIAS”) are hereby revoked; provided, however, a restricted real estate broker license shall be issued to him pursuant to Section 10156.6 of the Code, if he makes application therefore and pays to the Department of Real Estate the appropriate fee for said license within ninety (90) days from the effective date of this Decision.

1                   2.     The restricted license issued to MANCIAS shall be subject to all of the  
2 provisions of Section 10156.7 of the Code and to the following limitations, conditions, and  
3 restrictions imposed under authority of Section 10156.6 of the Code:

4                   a.     The restricted license issued to him may be suspended prior to  
5 hearing by Order of the Commissioner in the event of his conviction (including by plea of guilty  
6 or nolo contendere) to a crime which is substantially related to his fitness or capacity as a real  
7 estate licensee; and,

8                   b.     The restricted license issued to him may be suspended prior to  
9 hearing by Order of the Commissioner on evidence satisfactory to the Commissioner that he has  
10 violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations  
11 of the Real Estate Commissioner, or conditions attaching to the restricted license.

12                  3.     MANCIAS shall not be eligible to apply for the issuance of an  
13 unrestricted real estate license, nor the removal of any of the conditions of the restricted license,  
14 until two (2) years have elapsed from the effective date of this Decision.

15                  4.     Any restricted license issued to MANCIAS pursuant to this Decision  
16 shall be suspended for a period of forty-five (45) days from the issuance of the restricted  
17 license; provided, however, that forty-five (45) days of said suspension shall be stayed for two  
18 (2) years upon the following terms and conditions:

19                  a.     Respondent shall obey all laws, rules and regulations governing  
20 the rights, duties and responsibilities of a real estate licensee in the State of California; and

21                  b.     That no final subsequent determination be made, after hearing or  
22 upon stipulation, that cause for disciplinary action occurred within two (2) years from the  
23 effective date of this Order. Should such a determination be made, the Commissioner may, in  
24 his discretion, vacate and set aside the stay order and re-impose all or a portion of the stayed  
25 suspension. Should no such determination be made, the stay imposed herein shall become  
26 permanent.

5. MANCIAS shall, within nine (9) months from the effective date of this  
Decision, present evidence satisfactory to the 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 he fails to satisfy this condition, the Commissioner may order the suspension of the restricted license until he presents such evidence. The Commissioner shall afford him the opportunity for hearing pursuant to the APA to present such evidence.

6. Notwithstanding any other provision of this Order, all licenses and licensing rights of MANCIAS are suspended unless and until he provides proof satisfactory to the Commissioner that he has taken and successfully completed the continuing education course on Trust Fund Accounting and Handling specified in Section 10170.5(a)(3) of the Code. The course must have been completed no earlier than one hundred twenty (120) days prior to the effective date of this Order, and proof must be submitted prior to the effective date of this Order, to prevent suspension of his license pursuant to this condition.

7. MANCIAS shall, within six (6) months from the effective date of this  
Order, take and pass the Professional Responsibility Examination administered by the  
Department, including the payment of the appropriate examination fee. If he fails to satisfy this  
condition, the Commissioner may order the suspension of all licenses and licensing rights of  
MANCIAS until he passes the examination.

## II.

1. All licenses and licensing rights of Respondent CHRIS ANTHONY PISCIOTTA (“CHRIS PISCIOTTA”) under the Real Estate Law are revoked; provided, however, a restricted real estate salesperson’s license shall be issued to him pursuant to Section 10156.5 of the Code if he makes application therefore and pays to the Department the appropriate fee for the restricted license within 90 days from the effective date of this Decision.

1                   2.       The restricted license issued to CHRIS PISCIOтта shall be subject to all  
2 of the provisions of Section 10156.7 of the Code as to the following limitations, conditions and  
3 restrictions imposed under authority of Section 10156.6 of that Code:

4                   a.       The restricted license issued to him may be suspended prior to  
5 hearing by Order of the Commissioner in the event of his conviction (including by plea of guilty  
6 or nolo contendere) to a crime which is substantially related to his fitness or capacity as a real  
7 estate licensee; and,

8                   b.       The restricted license issued to him may be suspended prior to  
9 hearing by Order of the Commissioner on evidence satisfactory to the Commissioner that he has  
10 violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations  
11 of the Real Estate Commissioner, or conditions attaching to the restricted license.

12                  3.       CHRIS PISCIOтта shall not be eligible to apply for the issuance of an  
13 unrestricted real estate license nor for removal of any of the conditions, limitations or restrictions  
14 of a restricted license until two (2) years have elapsed from the effective date of this Decision.

15                  4.       Any restricted license issued to CHRIS PISCIOтта pursuant to this  
16 Decision shall be suspended for a period of forty-five (45) days from the issuance of the  
17 restricted license; provided, however, that forty-five (45) days of said suspension shall be  
18 stayed for two (2) years upon the following terms and conditions:

19                  a.       Respondent shall obey all laws, rules and regulations governing  
20 the rights, duties and responsibilities of a real estate licensee in the State of California; and

21                  b.       That no final subsequent determination be made, after hearing or  
22 upon stipulation, that cause for disciplinary action occurred within two (2) years from the  
23 effective date of this Order. Should such a determination be made, the Commissioner may, in  
24 his discretion, vacate and set aside the stay order and re-impose all or a portion of the stayed  
25 suspension. Should no such determination be made, the stay imposed herein shall become  
26 permanent.

1                   5. With the application for license, or with the application for transfer to a  
2 new employing broker, CHRIS PISCIOтта shall submit a statement signed by the prospective  
3 employing real estate broker on a form approved by the Department which shall certify as  
4 follows:

5                   a. That the employing broker has read the Decision which is  
6 the basis for the issuance of the restricted license; and,

7                   b. That the employing broker will carefully review all  
8 transaction documents prepared by the restricted licensee and otherwise exercise close  
9 supervision over the licensee's performance of acts for which a license is required.

10                  6. CHRIS PISCIOтта shall, within nine (9) months from the effective date  
11 of this Decision, present evidence satisfactory to the Commissioner that he has, since the most  
12 recent issuance of an original or renewal real estate license, taken and successfully completed  
13 the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for  
14 renewal of a real estate license. If he fails to satisfy this condition, the Commissioner may order  
15 the suspension of the restricted license until he presents such evidence. The Commissioner shall  
16 afford him the opportunity for hearing pursuant to the APA to present such evidence.

17                  7. Notwithstanding any other provision of this Order, all licenses and  
18 licensing rights of CHRIS PISCIOтта are suspended unless and until he provides proof  
19 satisfactory to the Commissioner that he has taken and successfully completed the continuing  
20 education course on Trust Fund Accounting and Handling specified in Section 10170.5(a)(3) of  
21 the Code. The course must have been completed no earlier than one hundred twenty (120) days  
22 prior to the effective date of this Order, and proof must be submitted prior to the effective date of  
23 this Order, to prevent suspension of his license pursuant to this condition.

24                  8. CHRIS PISCIOтта shall, within six (6) months from the effective date  
25 of this Order, take and pass the Professional Responsibility Examination administered by the  
26 Department, including the payment of the appropriate examination fee. If he fails to satisfy this

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1 condition, the Commissioner may order the suspension of all licenses and licensing rights of  
2 CHRIS PISCIOTTA until he passes the examination.

3 III.

4 1. All licenses and licensing rights of Respondent KATHERINE ANN  
5 JONES PISCIOTTA ("KATHERINE JONES PISCIOTTA") under the Real Estate Law are  
6 revoked; provided, however, a restricted real estate salesperson's license shall be issued to her  
7 pursuant to Section 10156.5 of the Code if he makes application therefore and pays to the  
8 Department the appropriate fee for the restricted license within 90 days from the effective date  
9 of this Decision.

10 2. The restricted license issued to KATHERINE JONES PISCIOTTA shall  
11 be subject to all of the provisions of Section 10156.7 of the Code as to the following limitations,  
12 conditions and restrictions imposed under authority of Section 10156.6 of that Code:

13 a. The restricted license issued to her may be suspended prior to  
14 hearing by Order of the Commissioner in the event of her conviction (including by plea of guilty  
15 or nolo contendere) to a crime which is substantially related to her fitness or capacity as a real  
16 estate licensee; and,

17 b. The restricted license issued to her may be suspended prior to  
18 hearing by Order of the Commissioner on evidence satisfactory to the Commissioner that she  
19 has violated provisions of the California Real Estate Law, the Subdivided Lands Law,  
20 Regulations of the Real Estate Commissioner, or conditions attaching to the restricted license.

21 3. KATHERINE JONES PISCIOTTA shall not be eligible to apply for the  
22 issuance of an unrestricted real estate license nor for removal of any of the conditions,  
23 limitations or restrictions of a restricted license until two (2) years have elapsed from the  
24 effective date of this Decision.

25 4. Any restricted license issued to KATHERINE JONES PISCIOTTA  
26 pursuant to this Decision shall be suspended for a period of forty-five (45) days from the

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1 issuance of the restricted license; provided, however, that forty-five (45) days of said  
2 suspension shall be stayed for two (2) years upon the following terms and conditions:

3 a. Respondent shall obey all laws, rules and regulations governing  
4 the rights, duties and responsibilities of a real estate licensee in the State of California; and

5 b. That no final subsequent determination be made, after hearing or  
6 upon stipulation, that cause for disciplinary action occurred within two (2) years from the  
7 effective date of this Order. Should such a determination be made, the Commissioner may, in  
8 his discretion, vacate and set aside the stay order and re-impose all or a portion of the stayed  
9 suspension. Should no such determination be made, the stay imposed herein shall become  
10 permanent.

11 5. With the application for license, or with the application for transfer to a  
12 new employing broker, KATHERINE JONES PISCIOTTA shall submit a statement signed by  
13 the prospective employing real estate broker on a form approved by the Department which shall  
14 certify as follows:

15 a. That the employing broker has read the Decision which is the  
16 basis for the issuance of the restricted license; and,

17 b. That the employing broker will carefully review all transaction  
18 documents prepared by the restricted licensee and otherwise exercise close supervision over the  
19 licensee's performance of acts for which a license is required.

20 6. KATHERINE JONES PISCIOTTA shall, within nine (9) months from the  
21 effective date of this Decision, present evidence satisfactory to the Commissioner that she has,  
22 since the most recent issuance of an original or renewal real estate license, taken and  
23 successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the  
24 Real Estate Law for renewal of a real estate license. If she fails to satisfy this condition, the  
25 Commissioner may order the suspension of the restricted license until she presents such  
26 evidence. The Commissioner shall afford her the opportunity for hearing pursuant to the APA to  
27 present such evidence.

7. Notwithstanding any other provision of this Order, all licenses and  
licensing rights of KATHERINE JONES PISCIOTTA are suspended unless and until she provides proof satisfactory to the Commissioner that she has taken and successfully completed the continuing education course on Trust Fund Accounting and Handling specified in Section 10170.5(a)(3) of the Code. The course must have been completed no earlier than one hundred twenty (120) days prior to the effective date of this Order, and proof must be submitted prior to the effective date of this Order, to prevent suspension of her license pursuant to this condition.

8. KATHERINE JONES PISCIOTTA shall, within six (6) months from the  
effective date of this Order, take and pass the Professional Responsibility Examination  
administered by the Department, including the payment of the appropriate examination fee. If  
she fails to satisfy this condition, the Commissioner may order the suspension of all licenses and  
licensing rights of KATHERINE JONES PISCIOTTA until she passes the examination.

## IV.

1. Respondents, jointly and severally, shall pay the sum of \$6,928.00 for  
the Commissioner's cost of the audit which led to this disciplinary action. Respondents shall pay such cost within sixty (60) days of receiving an invoice therefore from the Commissioner. The Commissioner may indefinitely suspend all licenses and licensing rights of Respondents pending a hearing held in accordance with Section 11500, et seq., of the Government Code, if payment is not timely made as provided for herein, or as provided for in a subsequent agreement between Respondents and the Commissioner. The suspension shall remain in effect until payment is made in full or until Respondents enter into an agreement satisfactory to the Commissioner to provide for payment, or until a decision providing otherwise is adopted following a hearing held pursuant to this condition.

2. Respondents, jointly and severally, shall pay the Commissioner's costs,  
not to exceed \$6,928.00, of any audit conducted pursuant to Section 10148 of the Code to  
determine if Respondents have corrected the violations described in the Determination of


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1 Issues, above, and any other violations found in the audit which led to this disciplinary action.  
2 In calculating the amount of the Commissioner's reasonable cost, the Commissioner may use  
3 the estimated average hourly salary for all persons performing audits of real estate brokers, and  
4 shall include an allocation for travel time to and from the auditor's place of work.  
5 Respondents shall pay such cost within sixty (60) days of receiving an invoice therefore from  
6 the Commissioner detailing the activities performed during the audit and the amount of time  
7 spent performing those activities. If Respondents fail to pay such cost within the sixty (60)  
8 days, the Commissioner may indefinitely suspend all licenses and licensing rights of  
9 Respondents under the Real Estate Law until payment is made in full or until Respondents  
10 enter into an agreement satisfactory to the Commissioner to provide for payment. Upon full  
11 payment, the indefinite suspension provided for in this paragraph shall be stayed.

12 V.

13 All licenses and licensing rights of Respondents, are indefinitely suspended  
14 unless or until Respondents, jointly and severally, pay the sum of \$1,094.58 for the  
15 Commissioner's reasonable cost of the investigation and enforcement which led to this  
16 disciplinary action. Said payment shall be in the form of a cashier's check or certified check  
17 made payable to the Real Estate Fund.

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19 01-29-13  
20 DATED

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22 Annette E. Ferrante, Esq.  
23 Counsel for Department of Real Estate  
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I have read the Stipulation and Agreement 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. Respondents can signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by faxing a copy of the signature page, as actually signed by Respondents, to the Department at fax number (916) 227-9458. Respondents agree, acknowledge and understand that by electronically sending to the Department a fax copy of Respondents' actual signatures as they appear on the Stipulation and Agreement, that receipt of the faxed copy by the Department shall be as binding on Respondents as if the Department had received the original signed Stipulation and Agreement.

11-19-12

DATED

JULIAN AVILA MANCIAS, Respondent

DATED

CHRIS ANTHONY PISCIOтта, Respondent

DATED

KATHERINE ANN JONES PISCIOтта, Respondent

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

DATED

Roger D. Wintle, Esq., Attorney for Respondents  
CHRIS ANTHONY PISCIOтта and  
KATHERINE ANN JONES PISCIOтта

1 \* \* \*

2 I have read the Stipulation and Agreement and its terms are understood by me  
3 and are agreeable and acceptable to me. I understand that I am waiving rights given to me by  
4 the California Administrative Procedure Act (including but not limited to Sections 11506,  
5 11508, 11509, and 11513 of the Government Code), and I willingly, intelligently, and  
6 voluntarily waive those rights, including the right of requiring the Commissioner to prove the  
7 allegations in the Accusation at a hearing at which I would have the right to cross-examine  
8 witnesses against me and to present evidence in defense and mitigation of the charges.  
9 Respondents can signify acceptance and approval of the terms and conditions of this  
10 Stipulation and Agreement by faxing a copy of the signature page, as actually signed by  
11 Respondents, to the Department at fax number (916) 227-9458. Respondents agree,  
12 acknowledge and understand that by electronically sending to the Department a fax copy of  
13 Respondents' actual signatures as they appear on the Stipulation and Agreement, that receipt  
14 of the faxed copy by the Department shall be as binding on Respondents as if the Department  
15 had received the original signed Stipulation and Agreement.

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18 DATED

19 Dec 10, 2012

20 DATED

21 Dec 10, 2012

22 DATED

JULIAN AVILA MANCIAS, Respondent

Chris Anthony Pisciotta

CHRIS ANTHONY PISCIOтта, Respondent

Katherine Ann Jones Pisciotta

KATHERINE ANN JONES PISCIOтта, Respondent

23 \* \* \*

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

26 12/10/12

27 DATED

Roger D. Wintle

Roger D. Wintle, Esq., Attorney for Respondents  
CHRIS ANTHONY PISCIOтта and  
KATHERINE ANN JONES PISCIOтта

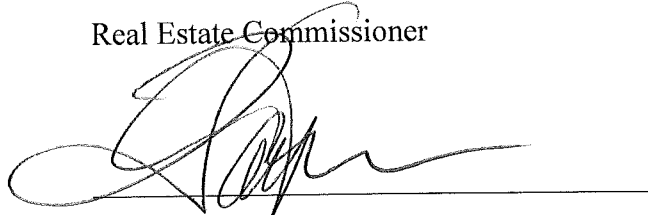
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2 The foregoing Stipulation and Agreement is hereby adopted by me as my  
3 Decision in this matter as to Respondents JULIAN AVILA MANCIAS, CHRIS ANTHONY  
4 PISCIOTTA and KATHERINE ANN JONES PISCIOTTA, and shall become effective at 12  
5 o'clock noon on NOV 19 2013.

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7 IT IS SO ORDERED

3/21/2013.

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9 Real Estate Commissioner

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13 WAYNE S. BELL  
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