

1 Department of Real Estate  
2 320 West 4th Street, Suite 350  
3 Los Angeles, CA 90013-1105

4 Telephone: (213) 576-6982

**FILED**

FEB 24 2012

DEPARTMENT OF REAL ESTATE

BY: 

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )	NO. H-37309 LA
12 )	
13 JASON MARTIN GAILLIOT, )	L-2011061448
14 )	
15 Respondent. )	<u>STIPULATION AND AGREEMENT</u>

16 It is hereby stipulated by and between JASON MARTIN  
17 GAILLIOT, (sometimes referred to as "Respondent"), and  
18 Respondent's attorney, Thomas Chapin, Esq., and the Complainant,  
19 acting by and through Cheryl D. Keily, Counsel for the  
20 Department of Real Estate, as follows for the purpose of  
21 settling and disposing of the Accusation filed on May 31, 2011,  
22 in this matter.

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

1 submitted solely on the basis of the provisions of this  
2 Stipulation and Agreement.

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

7           3. On June 13, 2011, Respondent filed a Notice of  
8 Defense, pursuant to Section 11506 of the Government Code for  
9 the purpose of requesting a hearing on the allegations in the  
10 Accusation. Respondent hereby freely and voluntarily withdraws  
11 said Notice of Defense. Respondent acknowledges that he  
12 understands that by withdrawing said Notice of Defense he will  
13 thereby waive his right to require the Commissioner to prove the  
14 allegations in the Accusation at a contested hearing held in  
15 accordance with the provisions of the APA and that he will waive  
16 other rights afforded to him in connection with the hearing,  
17 such as the right to present evidence in defense of the  
18 allegations in the Accusation and the right to cross-examine  
19 witnesses.

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

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

4           5. This Stipulation is based on the factual  
5 allegations contained in the Accusation. In the interest of  
6 expedience and economy, Respondent chooses not to contest these  
7 allegations, but to remain silent and understand that, as a  
8 result thereof, these factual allegations, without being  
9 admitted or denied, will serve as a prima facie basis for the  
10 disciplinary action stipulated to herein. The Real Estate  
11 Commissioner shall not be required to provide further evidence  
12 to prove said factual allegations.  
13

14           6. This Stipulation and Respondent's decision not to  
15 contest the Accusation are made for the purpose of reaching an  
16 agreed disposition of this proceeding, and are expressly  
17 limited to this proceeding and any other proceeding or case in  
18 which the Department of Real Estate, or another licensing  
19 agency of this state, another state or the federal government  
20 is involved and otherwise shall not be admissible in any other  
21 criminal or civil proceedings.  
22

23           7. The Order or any subsequent Order of the Real  
24 Estate Commissioner made pursuant to this Stipulation and  
25 Agreement shall not constitute an estoppel, merger or bar to any  
26 further administrative or civil proceedings by the Department of  
27 Real Estate with respect to any matters which were not

1 specifically alleged to be causes for accusation in this  
2 proceeding.

3 DETERMINATION OF ISSUES

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

8 The conduct of Respondent, as described in the  
9 Accusation, is grounds for the suspension or revocation of all  
10 of the real estate licenses and license rights of Respondent  
11 under the provisions of Sections 10130 and 10177(g) of the  
12 Business and Professions Code.

13 ORDER

14 WHEREFORE, THE FOLLOWING ORDER is hereby made:

15 ALL licenses and licensing rights of Respondent JASON  
16 MARTIN GAILLIOT, under the Real Estate Law are revoked;  
17 provided, however, a restricted real estate salesperson license  
18 shall be issued to Respondent pursuant to Section 10156.5 of the  
19 Code if Respondent makes application therefor and pays to the  
20 Department the appropriate fee for the restricted license within  
21 90 days from the effective date of this Decision.

22 I. The Restricted license issued to Respondent shall  
23 be subject to all of the provisions of Section 10156.7 of the  
24 Code and to the following conditions, limitations and  
25 restrictions imposed under the authority of Section 10156.6 of  
26 the Code:  
27

1           1. The restricted license issued to Respondent may be  
2 suspended prior to hearing by Order of the Commissioner in the  
3 event of Respondent's conviction or plea of nolo contendere to a  
4 crime which is substantially related to Respondent's fitness or  
5 capacity as a real estate salesperson licensee.

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

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

17           4. Respondent shall submit with any application for  
18 license under an employing broker, or any application for  
19 transfer to a new employing broker, a statement signed by the  
20 prospective employing real estate broker, on a form approved by  
21 the Department, which shall certify:

22           (a) That the employing broker has read the Decision  
23 of the Commissioner which granted the right to a restricted  
24 license; and  
25

26           (b) That the employing broker will exercise close  
27 supervision over the performance by the restricted licensee

1 relating to activities for which a real estate salesperson  
2 license is required.

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

15 III. If and when a petition application is made for  
16 reinstatement of a real estate license, the Real Estate  
17 Commissioner will consider as one of the criteria of  
18 rehabilitation whether or not restitution has been made to any  
19 person who has suffered monetary losses as a result of the  
20 allegations set forth in the Accusation filed in this case.

23 DATED: 8/9/12

24 *Cheryl D. Kelly*  
25 CHERYL D. KEILY, Counsel  
26 DEPARTMENT OF REAL ESTATE

27 \* \* \*


I have read the Stipulation and Agreement, and its  
terms are understood by me and are agreeable and acceptable to

1 me. I understand that I am waiving rights given to me by the  
2 California Administrative Procedure Act (including but not  
3 limited to Sections 11506, 11508, 11509 and 11513 of the  
4 Government Code), and I willingly, intelligently and voluntarily  
5 waive those rights, including the right of requiring the  
6 Commissioner to prove the allegations in the Accusation at a  
7 hearing at which I would have the right to cross-examine  
8 witnesses against me and to present evidence in defense and  
9 mitigation of the charges.

10 Respondent can signify acceptance and approval of the  
11 terms and conditions of this Stipulation and Agreement by faxing  
12 a copy of its signature page, as actually signed by Respondent,  
13 to the Department at the following telephone/fax number (213)  
14 576-6917. Respondent agrees, acknowledges, and understands that  
15 by electronically sending to the Department a fax copy of his  
16 actual signature as it appears on the Stipulation and Agreement,  
17 that receipt of the faxed copy by the Department shall be as  
18 binding on Respondent as if the Department had received the  
19 original signed Stipulation and Agreement.

20  
21 DATED: 2-5-12   
22 JASON MARTIN GAILLIOT  
23 Respondent

24 I have reviewed the Stipulation and Agreement as to  
25 form and content and have advised my client accordingly.

26 DATED: 2/8/12   
27 Thomas Chapin, Esq.  
Attorney for Respondent  
JASON MARTIN GAILLIOT

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\* \* \*

The foregoing Stipulation and Agreement is hereby  
adopted as my Decision in this matter and shall become effective  
at 12 o'clock noon on MAR 15 2012, 2012.

IT IS SO ORDERED 2/17, 2012.

  
BARBARA J. BIGBY  
Acting Real Estate Commissioner

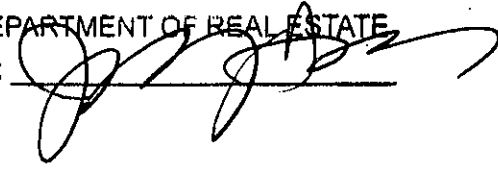


1 CHERYL D. KEILY SBN 94008  
2 Department of Real Estate  
3 320 West Fourth Street, Suite 350  
4 Los Angeles, California 90013-1105

**FILED**

5 Telephone: (213) 576-6982  
6 Direct: (213) 576-6905

MAY 31 2011

DEPARTMENT OF REAL ESTATE  
BY: 

7  
8  
9 DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 \* \* \* \* \*

12 In the Matter of the Accusation of ) No. H-37309 LA  
13 JASON MARTIN GAILLIOT, ) A C C U S A T I O N  
14 Respondent. )  
15 \_\_\_\_\_ )

16  
17 The Complainant, Joseph Aiu, a Deputy Real Estate  
18 Commissioner of the State of California, for cause of Accusation  
19 against JASON MARTIN GAILLIOT ("Respondent") is informed and  
20 alleges as follows:

21 1.

22 The Complainant, Joseph Aiu, a Deputy Real Estate  
23 Commissioner of the State of California, makes this Accusation in  
24 his official capacity.

25 2.

26 Respondent is presently licensed and/or has license  
27 rights under the Real Estate Law as a real estate salesperson.

3.

1  
2 At all times herein mentioned, Respondent engaged in  
3 the business of, acted in the capacity of, or advertised a loan  
4 modification service and advance fee brokerage offering to  
5 perform and performing loan modification and negotiation  
6 services with respect to loans which were secured by liens on  
7 real property for compensation or in expectation of compensation  
8 and for fees often collected in advance as well as at the  
9 conclusion of the transaction, including but not limited to the  
10 activities described below.

11 a. On or about June 20, 2008, Jorge A. paid an  
12 advance fee of \$1,000 to GAILLIOT doing business as Mogul Group  
13 Inc. for the purpose of obtaining mortgage loan modification  
14 services with respect to a loan secured by the real property.  
15

16 5.

17 The activities described in Paragraph 4, above, require  
18 a real estate broker license under Sections 10131(d) and 10131.2  
19 of the Code.

20 6.

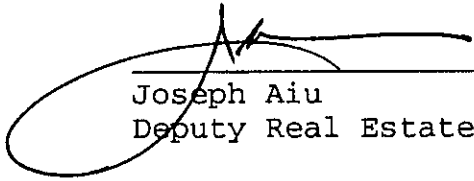
21 Respondent performed and/or participated in loan  
22 modification, solicitation, and negotiation activities which  
23 require a real estate broker license under the provisions of Code  
24 Sections 10131(d) and 10131.2 when Respondent was not licensed by  
25 the Department as a real estate broker nor employed as a real  
26 estate salesperson by the broker on whose behalf the activities  
27 were performed in violation of Section 10130 of the Code.

1  
2 The conduct, acts and/or omissions of Respondent, as  
3 set forth, above, violate Code Section 10130, and are cause for  
4 the suspension or revocation of the licenses and license rights  
5 of Respondent pursuant to Code Sections 10177(d), 10177(g) and/or  
6 10177(j).

7 WHEREFORE, Complainant prays that a hearing be  
8 conducted on the allegations of this Accusation and that upon  
9 proof thereof, a decision be rendered imposing disciplinary  
10 action against all the licenses and license rights of Respondent  
11 JASON MARTIN GAILLIOT under the Real Estate Law, and for such  
12 other and further relief as may be proper under other applicable  
13 provisions of law.

14 Dated at San Diego, California

15 this 13 day of May, 2011.  
16  
17  
18  
19

20   
21 \_\_\_\_\_  
22 Joseph Aiu  
23 Deputy Real Estate Commissioner  
24

25 cc: JASON MARTIN GAILLIOT  
26 Aguilar Investments Inc.  
27 New Century Real Estate Inc.  
Joseph Aiu  
Sacto.