

1 Bureau of Real Estate
320 West 4th Street, Suite 350
2 Los Angeles, California 90013-1105
Telephone: (213) 576-6982

FILED

FEB 05 2018

BUREAU OF REAL ESTATE
By *Sybil Danner*

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7 BEFORE THE BUREAU OF REAL ESTATE
8 DEPARTMENT OF CONSUMER AFFAIRS
9 STATE OF CALIFORNIA

10 In the Matter of the First Amended Accusation against

11 LA LIFE REALTY, INC.,
12 FRANCISCO OLIVERIO PORRAS,
13 JESSI A. CHAVEZ, individually and as
designated officer of LA Life Realty, Inc.,
14 ILEANE H. GAXIOLA,
1st CLASS INVESTMENTS & REALTY, INC.,
and JUAN RENE VILLANUEVA, individually
15 and as designated officer of 1st Class Investments &
Realty, Inc.,

16 Respondents.

CALBRE No. H-40680 LA
OAH No. 2017080310

STIPULATION AND AGREEMENT
IN SETTLEMENT AND ORDER AS
TO RESPONDENT JUAN RENE
VILLANUEVA

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18 It is hereby stipulated by and between Respondent JUAN RENE VILLANUEVA
19 (“Respondent”), Respondent’s attorney, Michael A. Rivera, Esq., and Complainant, acting by
20 and through Lissete Garcia, Counsel for the Bureau of Real Estate (“Bureau”), as follows for the
21 purpose of settling and disposing the First Amended Accusation (“Accusation”) filed on
22 December 14, 2017, with Bureau Case No. H-40680 LA in this matter:

23 1. All issues which were to be contested and all evidence which was to be presented by
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1 Complainant and Respondent at a formal hearing on the Accusation, which hearing was to be
2 held in accordance with the provisions of the Administrative Procedure Act (herein "APA"),
3 shall instead and in place thereof be submitted on the basis of the provisions of this Stipulation
4 and Agreement in Settlement and Order (herein "Stipulation").

5 2. Respondent has received, read, and understands the Statement to Respondent,
6 the Discovery Provisions of the APA and the Accusation, filed by the Bureau of Real Estate in
7 this proceeding.

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

16 4. This Stipulation is based on the factual allegations contained in the Accusation filed in
17 this proceeding. In the interest of expedience and economy, Respondent chooses not to contest
18 these factual allegations, but to remain silent and understands that, as a result thereof, these
19 factual statements, will serve as a prima facie basis for the disciplinary action stipulated to
20 herein. The Real Estate Commissioner shall not be required to provide further evidence to prove
21 such allegations.

22 5. This Stipulation and Respondent's decision not to contest the Accusation are made for
23 the purpose of reaching an agreed disposition of this proceeding and are expressly limited to this
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1 proceeding and any other proceeding or case in which the Bureau of Real Estate ("Bureau"), or
2 another licensing agency of this state, another state or if the federal government is involved and
3 otherwise shall not be admissible in any other criminal or civil proceedings.

4 6. It is understood by the parties that the Real Estate Commissioner may adopt the
5 Stipulation as his decision in this matter thereby imposing the penalty and sanctions on
6 Respondent's real estate license and license rights as set forth in the below "Order". In the event
7 that the Commissioner in his discretion does not adopt the Stipulation, the Stipulation shall be
8 void and of no effect, and Respondent shall retain the right to a hearing on the Accusation under
9 all the provisions of the APA and shall not be bound by any stipulation or waiver made herein.

10 7. The Order or any subsequent Order of the Real Estate Commissioner made pursuant to
11 this Stipulation shall not constitute an estoppel, merger or bar to any further administrative or
12 civil proceedings by the Bureau of Real Estate with respect to any conduct which was not
13 specifically alleged to be causes for accusation in this proceeding.

14 DETERMINATION OF ISSUES

15 By reason of the foregoing stipulation and agreement and solely for the purpose of
16 settlement of the pending Accusation without a hearing, it is stipulated and agreed that the
17 following determination of issues shall be made:

18 The conduct, acts and/or omissions of Respondent JUAN RENE VILLANUEVA, as set
19 forth in the Accusation, constitute cause for the suspension or revocation of all the real estate
20 licenses and license rights of Respondent JUAN RENE VILLANUEVA under the provisions of
21 Sections 10177(d) and 10176(g) of the Business and Professions Code ("Code") for violations of
22 Code Sections 10148 and 2950(h) of Title 10, Chapter 6, California Code of Regulations.

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1 \$5,034.03 for Respondent's share of the Commissioner's reasonable cost of the investigation and
2 enforcement which led to this disciplinary action. Said payment shall be in the form of a
3 cashier's check made payable to the Bureau of Real Estate. **The investigative and enforcement**
4 **costs must be delivered to the Bureau of Real Estate, Flag Section at P.O. Box 137013,**
5 **Sacramento, CA 95813-7013, prior to the effective date of this Decision and Order.**

6 Payment of investigation and enforcement costs should not be made until the Stipulation has
7 been approved by the Commissioner.

8 5. All licenses and licensing rights of Respondent JUAN RENE VILLANUEVA are
9 indefinitely suspended unless or until Respondent provides proof satisfactory to the
10 Commissioner, of having taken and successfully completed the continuing education course on
11 trust fund accounting and handling specified in paragraph (3) of subdivision (a) of Section
12 10170.5 of the Business and Professions Code. Proof of satisfaction of these requirements
13 includes evidence that Respondent has successfully completed the trust fund account and
14 handling continuing education courses, no earlier than 120 days prior to the effective date of the
15 Decision and Order in this matter. **Proof of completion of the trust fund accounting and**
16 **handling course must be delivered to the Bureau of Real Estate, Flag Section at P.O. Box**
17 **137013, Sacramento, CA 95813-7013 or by fax at 916-263-8758, prior to the effective date**
18 **of this Decision and Order.**

19 6. Respondent JUAN RENE VILLANUEVA shall, within six (6) months from the
20 **effective date of this Decision,** take and pass the Professional Responsibility Examination
21 administered by the Bureau including the payment of the appropriate examination fee. If
22 Respondent to satisfy this condition, Respondent's real estate license shall automatically be
23 suspended until Respondent passes the examination.

1 7. Respondent JUAN RENE VILLANUEVA shall, within nine (9) months from the
2 **effective date of this Decision and Order**, present evidence satisfactory to the Commissioner
3 that Respondent has, since the most recent issuance of an original or renewal real estate license,
4 taken and successfully completed the continuing education requirements of Article 2.5 of
5 Chapter 3 of the Real Estate Law for renewal of a real estate license. If Respondent fails to
6 satisfy this condition, Respondent's real estate license shall automatically be suspended until
7 Respondent presents evidence satisfactory to the Commissioner of having taken and successfully
8 completed the continuing education requirements. **Proof of completion of the continuing**
9 **education courses must be delivered to the Bureau of Real Estate, Flag Section at P.O. Box**
10 **137013, Sacramento, CA 95813-7013.**

11
12 DATED: Dec. 22, 2017



Lissete Garcia, Counsel
Bureau of Real Estate

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14 * * *

15 I have read this Stipulation and its terms are understood by me and are agreeable and
16 acceptable to me. I understand that I am waiving rights given to me by the California APA
17 (including, but not limited to, Sections 11506, 11508, 11509, and 11513 of the Government
18 Code), and I willingly, intelligently, and voluntarily waive those rights, including the right of
19 requiring the Commissioner to prove the allegations in the Accusation at a hearing at which I
20 would have the right to cross-examine witnesses against me and to present evidence in defense
21 and mitigation of the charges.

22 Respondent can signify acceptance and approval of the terms and conditions of this
23 Stipulation and Agreement by electronically e-mailing a copy of the signature pages, as actually
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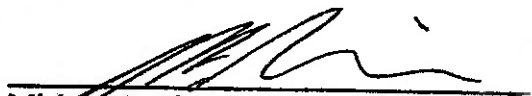
1 signed by Respondent, to the Bureau. Respondent agrees, acknowledges, and understands that
2 by electronically sending to the Bureau an electronic copy of Respondent's actual signature, as it
3 appears on the Stipulation, that receipt of the emailed copy by the Bureau shall be as binding on
4 Respondents as if the Bureau had received the original signed Stipulation. By signing this
5 Stipulation, Respondent understands and agrees that Respondent may not withdraw his
6 agreement or seek to rescind the Stipulation prior to the time the Commissioner considers and
7 acts upon it or prior to the effective date of the Stipulation and Order.

8
9 DATED: 12/21/17


Respondent JUAN RENE VILLANUEVA

10
11 *I have reviewed the Stipulation and Agreement in Settlement and Order as to form and*
12 *content and have advised my clients accordingly.*

13 DATED: 12/21/17


Michael A. Rivera, Attorney for Respondent

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15 * * *

16 The foregoing Stipulation and Agreement in Settlement and Order is hereby
17 adopted by me as my Decision in this matter and shall become effective at 12 o'clock noon on
18 _____, 2017.

19 IT IS SO ORDERED _____, 2017.

20 WAYNE S. BELL
21 REAL ESTATE COMMISSIONER
22 _____

1 signed by Respondent, to the Bureau. Respondent agrees, acknowledges, and understands that
2 by electronically sending to the Bureau an electronic copy of Respondent's actual signature, as it
3 appears on the Stipulation, that receipt of the emailed copy by the Bureau shall be as binding on
4 Respondents as if the Bureau had received the original signed Stipulation. By signing this
5 Stipulation, Respondent understands and agrees that Respondent may not withdraw his
6 agreement or seek to rescind the Stipulation prior to the time the Commissioner considers and
7 acts upon it or prior to the effective date of the Stipulation and Order.

8

9 DATED: _____

Respondent JUAN RENE VILLANUEVA

10

11 *I have reviewed the Stipulation and Agreement in Settlement and Order as to form and*
12 *content and have advised my clients accordingly.*

13 DATED: _____

Michael A. Rivera, Attorney for Respondent

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15

16 The foregoing Stipulation and Agreement in Settlement and Order is hereby
17 adopted by me as my Decision in this matter and shall become effective at 12 o'clock noon on

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WFO 26 2018

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19 IT IS SO ORDERED 1/26/18

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20 WAYNE S. BELL
21 REAL ESTATE COMMISSIONER

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23 By: DANIEL J. SANDRI
24 Chief Deputy Commissioner

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