BEFORE THE
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **GABRIEL GAXIOLA** [redacted] **Basic Certificate No. 99416** **Intermediate Certificate No. 70050** **Advanced Certificate No. 100133** Respondent.	Case No. 2302971

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Commission on Peace Officer Standards and Training as its Decision in this matter.

This Decision shall become effective on Dec 3 2025.

It is so ORDERED Dec 3 2025.

FOR THE COMMISSION ON PEACE OFFICER
STANDARDS AND TRAINING
STATE OF CALIFORNIA

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BEFORE THE
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **GABRIEL GAXIOLA** [redacted] **Basic Certificate No. 99416** **Intermediate Certificate No. 70050** **Advanced Certificate No. 100133** Respondent.	Case No. 2302971 **STIPULATED SETTLEMENT AND DISCIPLINARY ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-entitled proceedings that the following matters are true:

PARTIES

1. Manuel Alvarez, Jr. (Complainant) is the Executive Director of the California Commission on Peace Officer Standards and Training (Commission). He brought this action solely in his official capacity and is represented in this matter by Rob Bonta, Attorney General of the State of California, by Diana Petikyan, Deputy Attorney General.

2. Gabriel Gaxiola (Respondent) is represented in this proceeding by Leslie Wilcox of Wilcox & Associates, P.C., 3505 Long Beach Blvd, Suite 1C, Long Beach, CA 90807; (562) 375-4263.

3. On or about April 28, 2000, the Commission issued Basic Certificate Number 99416 to Respondent.

4. On or about November 15, 2000, the Commission issued Intermediate Certificate Number 70050 to Respondent.

5. On or about February 28, 2005, the Commission issued Advanced Certificate Number 100133 to Respondent.

JURISDICTION

6. Accusation No. 2302971 was filed before the Commission, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on July 3, 2025.

7. A copy of Accusation No. 2302971 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

8. Respondent has carefully read, and understands the charges and allegations in Accusation No. 2302971. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

9. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

10. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

11. Respondent admits the truth of each and every charge and allegation in Accusation No. 2302971.

12. Respondent agrees that his Basic Certificate, Intermediate Certificate, and Advanced Certificate are subject to discipline and he agrees to be bound by the Commission's probationary terms as set forth in the Disciplinary Order below.

CONTINGENCY

13. This stipulation shall be subject to approval by the Commission. Respondent understands and agrees that counsel for Complainant and the staff of the Commission may communicate directly with the Commission regarding this stipulation and settlement, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Commission considers and acts upon it. If the Commission fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Commission shall not be disqualified from further action by having considered this matter.

14. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

15. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

16. In consideration of the foregoing admissions and stipulations, the parties agree that the Commission may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Basic Certificate No. 99416, Intermediate Certificate No. 70050, and Advanced Certificate No. 100133 issued to Respondent Gabriel Gaxiola are revoked. However, the revocations are stayed and Respondent is placed on probation for five (5) years on the following conditions.

IT IS FURTHER ORDERED that any new certification(s) issued while Respondent remains on probation shall also be placed on probation subject to the same terms and conditions applicable to Respondent's existing certification.

Severability Clause. Each condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

1. **Obey All Laws.** Respondent shall obey all federal, state and local laws. A full and detailed account of any and all alleged violations of law and any arrests shall be reported by Respondent to the Commission in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this condition, notwithstanding any provision of law, Respondent agrees that the Commission can receive notification of an arrest and/or conviction from any federal, state, and/or local agency.

2. **Criminal Court Orders:** If Respondent is under criminal court orders, including probation or parole, and the order is violated, this shall be deemed a violation of these probation conditions, and may result in the filing of an accusation and/or petition to revoke probation.

3. **Serious Misconduct:** Respondent shall not engage in any acts of serious misconduct, as defined under Penal Code section 13510.8, subdivision (b), including but not limited to, any acts that involve substance abuse related incidents. Any acts of serious misconduct shall be deemed a violation of these probation conditions, and may result in the filing of an accusation and/or petition to revoke probation.

4. **Comply with Probation.** Respondent shall fully comply with the conditions of probation and cooperate with representatives of the Commission in its monitoring and investigation of the Respondent's compliance with probation.

Respondent will at all times comply with California Code of Regulations, title 11, section 1215, and maintain a physical address of record with the Commission for three (3) years after separation of service from peace officer employment in California. In addition, Respondent will ensure that the Commission has his current home address and preferred method of contact (i.e., phone number, email address) during the period of probation. This information will be maintained confidentially in accordance with the Information Practices Act, Civil Code section 1798 et seq. and California Penal Code section 832.7.

Upon successful completion of probation, Respondent's certification shall be fully restored.

5. **Proof of Completion.** Respondent shall provide the Commission with proof of completion and/or participation in all alcohol abuse treatment and counseling programs taken to date, as well as the results of any alcohol testing he has taken to date.

6. **Notice to Employers.** Respondent shall provide any current, future or potential law enforcement employer with the terms and conditions of this stipulation. Respondent understands and agrees that this stipulation, once adopted, will be a public document and will be subject to public release. Respondent further understands and agrees that the Commission shall have the right to provide any and all records showing compliance or lack of compliance with the terms of this stipulation to any current, past, future or potential law enforcement employer of Respondent, upon the employer's request.

7. **Violation of Probation.** If Respondent violates any of the terms or conditions of his probation, the Commission, in its sole discretion, may take any of the following actions, separately or in combination:

a. Notify Respondent in writing (notification letter) that the Commission intends to set aside the stay and impose the stayed discipline (in this case, revocation of Respondent's certification) no sooner than 35 days after the date of mailing the notification letter to Respondent. If Respondent disputes the Commission's determination that a violation of

probation has occurred, Respondent shall have 35 days from the date of mailing of the notification letter to mail a written response setting forth any dispute or disagreement with the action being taken on Respondent's certification to the Commission at the address set forth in the notification letter. In the response, the Respondent shall fully explain the factual and legal basis of their dispute, and supply at that time any evidence supporting their position. Any arguments and evidence submitted by the Respondent will be considered by the Executive Director before rendering a decision whether Respondent's probation was violated and whether any action should be taken on the Respondent's certification. Following review of the evidence and arguments, the Executive Director shall decide as to whether the stayed discipline will be imposed. If the Respondent fails to respond within 35 days of the date of mailing of the notification letter, the revocation order shall be summarily entered by the Executive Director and become final, and the file will be closed.

b. Serve a Petition to Revoke Probation upon Respondent in accordance with the procedures outlined in the California Administrative Procedure Act. In accordance with that Act, Respondent will have an opportunity for a hearing upon the issues raised in the Petition. After a request to prepare a Petition to Revoke Probation has been transmitted to the Attorney General's Office, Respondent's probationary period shall be tolled until the Petition has been acted upon by the Commission, or in the case of a default, by the Executive Director.

c. Serve an Accusation and Petition to Revoke Probation alleging a new act or acts of serious misconduct and any violations of probation upon Respondent in accordance with the procedures outlined in the California Administrative Procedure Act. In accordance with that Act, Respondent will have an opportunity for a hearing upon the issues raised, including whether probation was violated. The Accusation and Petition to Revoke Probation will be served upon the Respondent in accordance with the procedures outlined in the California Administrative Procedure Act following a determination by the Commission that proceedings are warranted as provided under Penal Code section 13510.85, subdivision (a)(5), and Commission Regulation 1209. After Respondent has received notice from the division as set forth in Penal Code section 13510.85, subdivision (a)(1), Respondent's probationary period shall be tolled until the

Accusation and Petition to Revoke Probation has been acted upon by the Commission, or in the case of a default, by the Executive Director.

8. **Certification Surrender.** During Respondent's term of probation, if he ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation, Respondent may surrender his certification to the Commission under Penal Code section 13510.8, subdivision (f). Upon formal acceptance of the surrendered certification, Respondent will no longer be subject to the conditions of probation.

Surrender of Respondent's certification shall be considered a disciplinary action and shall become a part of Respondent's certification history with the Commission.

9. **Abstain from Alcohol and Cannabis and Submit to Tests and Samples.** Respondent shall abstain from the use of alcohol and cannabis and, at his expense, shall participate in a random, biological fluid testing program which the Commission approves. The length of time and frequency will be up to 15 times per year on a random basis. Respondent is responsible for keeping the Commission informed of Respondent's current telephone number at all times and in the event Respondent's telephone number changes, Respondent shall update the Commission within 48 hours. Respondent shall also ensure that messages may be left at the telephone number when he is not available and ensure that reports are submitted directly by the testing agency to the Commission, as directed. Any confirmed positive finding shall be reported immediately to the Commission by the program, Respondent shall be considered in violation of probation, and the Commission may, in its discretion, order additional testing or screening, over and above the time and frequency listed above.

If Respondent has a confirmed positive finding for alcohol or cannabis and the Commission files a petition to revoke probation or an accusation, the Commission may suspend Respondent's Certification pending the final decision on the petition to revoke probation or the accusation. This period of suspension will not apply to the reduction of this probationary time period.

10. **Tolling of Probation.** Periods of residency outside of California shall not apply toward a reduction of the period of probation. Respondent's probation is tolled if and when he resides outside of California and the period of probation shall be automatically extended for

the same period he resides outside of California. Any period of tolling will not apply to the reduction of the probationary term and will relieve respondent of the responsibility to comply with the probationary terms and conditions with the exception of this condition and the following terms and conditions of probation: Obey All Laws; Criminal Court Orders; Comply With Probation; Violation of Probation; and Certification Surrender.

ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Basic Certificate, Intermediate Certificate, and Advanced Certificate. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the California Commission on Peace Officer Standards and Training.

DATED: 10/13/2025

GABRIEL GAXIOLA
Respondent

I have read and fully discussed with Respondent Gabriel Gaxiola the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 10/13/2025

LESLIE WILCOX
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the California Commission on Peace Officer Standards and Training.

DATED: 10/13/2025

Respectfully submitted,

ROB BONTA
Attorney General of California
THOMAS L. RINALDI
Supervising Deputy Attorney General

DIANA PETIKYAN
Deputy Attorney General
Attorneys for Complainant

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