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1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 187007
3 Sacramento, CA 95818-7007
4 Telephone: (916) 227-0791 ✓

December 16, 2011

DEPARTMENT OF REAL ESTATE

By *R. Jones*

8 STATE OF CALIFORNIA

9 DEPARTMENT OF REAL ESTATE

11 To:)	
)	NO. H-2699 FR
12 PAULA TAYLOR, and)	
13 JOHN RAYMOND NEWTON)	<u>ORDER TO DESIST AND REFRAIN</u>
)	(B&P Code Section 10086)
14)	

15 The Commissioner of the California Department of Real Estate (hereinafter
16 "Commissioner") caused an investigation to be made of the activities of PAULA TAYLOR
17 (hereinafter "TAYLOR") and JOHN RAYMOND NEWTON (hereinafter "NEWTON"). Based
18 upon said investigation and under the authority of Section 10086 of the California Business and
19 Professions Code (hereinafter "the Code"), the Commissioner hereby issues the Findings of Fact
20 and Desist and Refrain Orders listed below.

21 The Commissioner has determined that since at least the year 2000, TAYLOR has
22 been and is employed by NEWTON. TAYLOR engaged in, is engaging in, or is attempting to
23 engage in, acts or practices constituting violations of the Code and/or Title 10, Chapter 6,
24 California Code of Regulations (hereinafter "Commissioner's Regulations") including acting in
25 the capacity of, advertising, or assuming to act as a real estate broker in the State of California
26 within the meaning Section 10131(b) of the Code (property management services) and has
27 violated Section 10130 of the Code by engaging in the business of or acting as a real estate

1 salesperson or broker, within the meaning of Sections 10130 and 10131(b) of the Code without
2 first having obtained a real estate license from the California Department of Real Estate
3 (hereinafter "Department").

4 In addition, based upon said investigation, the Commissioner has determined that
5 NEWTON has since approximately the year 2000 and continuing to the present, knowingly and
6 willfully violated Section 10137 of the Code by employing TAYLOR, an unlicensed individual,
7 as a non-resident property manager for which a valid California real estate license is required.

8 FINDINGS OF FACT

9 1. At no time herein mentioned has TAYLOR been licensed in any capacity by
10 the Department.

11 2. At all times relevant herein NEWTON held a real estate broker license and
12 operated a property management business with the public wherein, on behalf of others, for
13 compensation or in expectation of compensation, NEWTON employed unlicensed individuals,
14 including TAYLOR, to perform acts which require a valid real estate license issued by the
15 Department, which include, but are not limited to, the rental and offer to rent or lease real
16 property, the solicitation of rental listings and collected rents from real property or improvements
17 thereon, acts which require a real estate license under Section 10131(b) (real estate license
18 required for enumerated acts) and Section 10137 (Unlawful Employment or Compensation) of
19 the Code.

20 3. At all times relevant herein NEWTON, knowing that TAYLOR was
21 unlicensed, employed TAYLOR as a non-resident property manager for NEWTON.

22 4. At all times relevant herein TAYLOR, on behalf of NEWTON, negotiated to
23 do one or more of the following acts for another or others, for or in expectation of compensation:
24 TAYLOR leased or rented or offered to lease or rent; placed for rent; solicited listings of places
25 for rent; solicited for prospective tenants; negotiated the sale, purchased or exchanged of leases
26 on real property, or on a business opportunity; collected rents from real property, or
27 improvements thereon, or from business opportunities for approximately 120 units in the Madera

1 County, California area including, but not limited to, properties owned by the following:

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PROPERTY OWNER	NUMBER OF UNITS
Southwest D. C.	72 Units
Lou V.	16 Units
Tim P.	16 Units
Jaime M.	10 Units
Becky L.	6 Units

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9 CONCLUSIONS OF LAW

10 5. Based on the findings of fact contained in Paragraphs 1 through 4 above:

11 (a) TAYLOR operated a property management business with the
12 public wherein, on behalf of NEWTON, for compensation or in expectation of compensation;

13 (b) TAYLOR leased or rented and offered to lease or rent, and placed
14 for rent, and solicited listings of places for rent, and solicited for prospective tenants of real
15 property or improvements thereon, and collected rents from real property or improvements
16 thereon, acts which require a real estate broker license under Section 10131(b) (real estate
17 license required for enumerated acts) and Section 10130 (License Required) of the Code.

18 (c) NEWTON operated a property management business with the
19 public wherein, on behalf of others, for compensation or in expectation of compensation,
20 NEWTON employed unlicensed individuals, including TAYLOR, to perform acts which
21 require a valid real estate license issued by the Department, which include, but are not limited
22 to, the rental and offer to rent or lease real property, the solicitation of rental listings and
23 collected rents from real property or improvements thereon, acts which require a real estate
24 license under Section 10131(b) (real estate license required for enumerated acts) and Section
25 10137 (Unlawful Employment or Compensation) of the Code.

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1 DESIST AND REFRAIN ORDER

2 Based upon the Findings of Fact and Conclusions of Law stated herein, JOHN
3 RAYMOND NEWTON, IS HEREBY ORDERED to immediately desist and refrain from
4 employing or continuing to employ TAYLOR, and any other unlicensed individual within the
5 State of California, to perform acts for which a real estate license is required.

6 Based upon the Findings of Fact and Conclusions of Law stated herein, PAULA
7 TAYLOR, IS HEREBY ORDERED to immediately desist and refrain from performing acts for
8 which a real estate license is required within the State of California until and unless you first
9 obtain the appropriate real estate license issued by the Department.

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11 DATED: 12/5, 2011

12 BARBARA J. BIGBY
13 Acting Real Estate Commissioner

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17 **NOTICE:**

18 Business and Professions Code Section 10139 provides that "Any person acting
19 as a real estate broker or real estate salesperson without a license or who advertises using words
20 indicating that he or she is a real estate broker without being so licensed shall be guilty of a
21 public offense punishable by a fine not exceeding twenty thousand dollars (\$20,000), or by
22 imprisonment in the county jail for a term not to exceed six months, or by both fine and
23 imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars
24 (\$60,000)...."

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