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FILED

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BUREAU OF REAL ESTATE

By

STATE OF CALIFORNIA

BUREAU OF REAL ESTATE

To: BLUE STAR RESORTS, INC. and JESUS R. ROJAS.	NO. H- 2868 FR ORDER TO DESIST AND REFRAIN (B&P Code Section 10086)

The Commissioner of the California Bureau of Real Estate (hereinafter "Bureau") caused an investigation to be made of the activities of BLUE STAR RESORTS, INC. ("BSRI") and JESUS R. ROJAS ("ROJAS"). Based on that investigation, the Commissioner has determined that BSRI and ROJAS have engaged in, are engaging in, or are attempting to engage in, acts or practices constituting violations of the California Business and Professions Code ("the Code") and/or Title 10, Chapter 6, California Code of Regulations ("the Regulations") including acting in the capacity of, advertising, or assuming to act as a real estate broker in the State of California within the meaning of Sections 10130 (act as a real estate broker without a license), 10131(a) (solicited prospective sellers and purchasers of, solicited and obtained listings of, and negotiated the purchase and sale of real property consisting of timeshare interests) and 10085.5 (demanding advance fee) of the Code. Furthermore, based upon the investigation, the Commissioner hereby issues the following Findings of Fact and Desist and Refrain Order under the authority of Section 10086 of the Code.

Whenever acts referred to below are attributed to BSRI and/or ROJAS, those acts are alleged to have been done by ROJAS, acting by himself, or by and/or through one or more agents, associates, affiliates, and/or co-conspirators, and/or using other names or fictitious names unknown at this time.

FINDINGS OF FACT

1. At no time herein mentioned has BSRI been licensed by the Bureau in any capacity.

2. At no time herein mentioned has ROJAS been licensed by the Bureau in any capacity.

3. As hereinafter set forth, BSRI and ROJAS engaged in the business of, acted in the capacity of, or assumed to act as a real estate broker in California.

4. During the periods of time set forth below, BSRI, acting by and through ROJAS, and/or other agents, associates, affiliates, and/or co-conspirators solicited to do one or more of the following acts for another or others, for or in expectation of compensation, within the State of California: solicited prospective sellers and purchasers of, solicited and obtained listings of, and negotiated the purchase and sale of real property consisting of timeshare interests.

5. On approximately December 12, 2011, BSRI, acting by and through ROJAS, and/or other agents, associates, affiliates, and/or co-conspirators solicited Higinio R., a resident of the State of California, in order to negotiate the sale of his timeshare interest located in the State of California, and claimed, demanded, charged, received, collected or contracted for an advanced fee for such services in the amount of $2,799.00 without having first obtained a real estate broker license in violation of Sections 10130, 10131(a) and 10085.5 of the Code.

CONCLUSIONS OF LAW

Based upon the Findings of Fact contained in Paragraphs 1 through 5, above, BSRI and ROJAS have solicited prospective sellers and purchasers of, solicited and obtained listings of, and negotiated the purchase and sale of real property consisting of timeshare interests which require a real estate license during a period of time when BSRI and ROJAS were not

licensed by the Bureau in any capacity for or in expectation of a compensation and claimed, demanded, charged, received, collected or contracted for an advanced fee for such services. Thus, BSRI and ROJAS violated Sections 10130, 10131(a) and 10085.5 of the Code.

DESIST AND REFRAIN ORDER

Now, therefore, you, BLUE STAR RESORTS, INC. and JESUS R. ROJAS, their employees, agents, official successors and assigns, ARE HEREBY ORDERED to immediately desist and refrain from:

(1) performing any and all acts within the State of California for which a real estate salesperson or broker license is required, unless and until they obtain a real estate salesperson or broker license; and

(2) charging, demanding, contracting for or receiving advance fees, as that term is defined in Section 10026 of the code, for any of the services they offer to others, unless and until thet demonstrate and provide evidence satisfactory to the Commissioner that they:

(a) are properly licensed by the Department as a real estate broker;

(b) have an advance fee agreement which has been submitted to the Bureau and which is in compliance with the provisions of Section 2970 of the Regulations; and

(c) have refunded to Higinio R. the advance fees paid by him in this matter as set out above.

DATED: OCT 29 2013

REAL ESTATE COMMISSIONER

By: JEFFREY MASON
Chief Deputy Commissioner

- NOTICE -

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