Department of Real Estate
P. O. Box 187007
Sacramento, CA 95818-7007

Telephone: (916) 227-0789

FILED
MAY - 2 2012
DEPARTMENT OF REAL ESTATE
By

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

To: DONALD JAMES KENNEY	NO. H-4334 SD ORDER TO DESIST AND REFRAIN (B & P Code Section 10086)

The Commissioner ("the Commissioner") of the California Department of Real Estate ("the Department") caused an investigation to be made of the activities of DONALD JAMES KENNEY, ("Respondent"). Based on that investigation, the Commissioner has determined that Respondent has engaged in, is engaging in, or is attempting to engage in, acts or practices constituting violations of the California Business and Professions Code ("Code") and/or Title 10, Chapter 6, California Code of Regulations ("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 (requirement of license to perform acts of real estate broker) and 10131 (activities requiring real estate license) of the Code.

///

///

///

Furthermore, based on the investigation, the Commissioner hereby issues the following Findings of Fact, Conclusions of Law, and Desist and Refrain Order under the authority of Section 10086 of the Code.

FINDINGS OF FACT

1. Respondent has never been licensed by the Department in any capacity to conduct real estate activity in the State of California.

2. On or about September 25, 1998, Respondent applied to the Department for a real estate broker license using the name and personal information of his son.

3. On or about October 28, 1998, Respondent was issued a real estate broker license in the name of his son. Since that date, Respondent has conducted real estate activities as a real estate broker using the license issued in his son's name.

CONCLUSIONS OF LAW

4. Based on the Findings of Fact contained in Paragraphs 1 through 3, above, Respondent obtained a real estate broker license through fraud and deceit by using his son's name and personal information.

5. The acts and/or omissions of Respondent, as set out in Paragraph 4, violate Sections 10130 (real estate licensing requirement), 10177(a) (procurement of license by fraud, misrepresentation or deceit, or making material misstatement of fact in application) and 10177(j) (fraud or dishonest dealing) of the Code.

///

///

///

///

///

///

///

///

DESIST AND REFRAIN ORDER

Based on the Findings of Fact and Conclusions of Law stated herein, DONALD JAMES KENNEY, whether doing business under your own name, the name of your son, DONALD JOHN MARK KENNEY, or any other name or fictitious name, IS HEREBY ORDERED to immediately desist and refrain from conducting activities requiring a real estate broker license in the State of California until such time as you are properly licensed to perform such activities.

DATED: May 15 2012

REAL ESTATE COMMISSIONER

By WAYNE S. BELL
Chief Counsel

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)...."

cc: DONALD JAMES KENNEY
7353 Almaden Lane
Carlsbad, CA 92009

ATTY JWB/km