

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

4 Telephone: (916) 227-0789

FILED
NOV 14 2012

DEPARTMENT OF REAL ESTATE
By R. MA

5
6
7
8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11
12 To:)
13 LAVERNE MARIE BOSSE.) NO. H-4428 SD
14) ORDER TO DESIST AND REFRAIN
15) (B & P Code Section 10086)
16)

17 The Real Estate Commissioner ("the Commissioner") of the California
18 Department of Real Estate ("the Department") caused an investigation to be made of the
19 activities of LAVERNE MARIE BOSSE ("Respondent"), individually and doing business as
20 "Rent San Diego Properties". Based on that investigation, the Commissioner has determined
21 that Respondent has engaged in, is engaging in, or is attempting to engage in, acts or practices
22 constituting violation of Sections 10167.11(b)(1) (referral of a property to a prospective tenant
23 knowing or having reason to know that the property does not exist or is unavailable for
24 tenancy), 10167.11(b)(2) (referral of a property to a prospective tenant knowing or having
25 reason to know the property has been described or advertised by or on behalf of the licensee in a
26 false, misleading or deceptive manner), 10167.11(b)(3) (referral of a property to a prospective
27 tenant without confirming the availability of the property for tenancy), 10167.11(b)(4) (referral

1 of a property to a prospective tenant without written or oral permission to list the property from
2 the property owner, manager or other authorized agent) of the California Business and
3 Professions Code ("the Code"). Furthermore, based on the investigation, the Commissioner
4 hereby issues the following Findings of Fact, Conclusions of Law, and Desist and Refrain Order
5 under the authority of Section 10086 of the Code.

6 FINDINGS OF FACT

7 1. At all times mentioned, Respondent was licensed by the Department to conduct
8 prepaid rental service activities.

9 2. In connection with her prepaid rental licensing service activities, Respondent
10 advertised numerous real properties for rent on www.Craigslist.org.

11 3. On or about February 8, 2012, a Deputy Commissioner from the Department's
12 San Diego District Office searched Craigslist for possible listings by Respondent. As a result
13 of that search, the Deputy Commissioner obtained 62 current rental property listings which
14 included Respondent's telephone number as the contact number in the rental advertisement.

15 4. On or about February 14, 2012, the Deputy Commissioner contacted Andrew S.
16 at Utopia Management Services regarding an advertisement on Craigslist from Respondent for
17 rental property located at 4556-1/2 35th Street, Normal Heights, California. In that
18 advertisement, Utopia Management Services was listed by Respondent as the contact for that
19 rental property. Andrew S. confirmed that Respondent did not have permission to list the
20 property on 35th Street for rent and that the property had actually been rented a few weeks
21 earlier.

22 5. On or about February 14, 2012, the Deputy Commissioner contacted Brad C. at
23 Xila Property Management regarding an advertisement on Craigslist from Respondent for rental
24 property located at 2009 Grande Avenue, Pacific Beach, California. In that advertisement, Xila
25 Property Management was listed by Respondent as the contact for that rental property. Brad C.
26 confirmed that Respondent did not have permission to list the Grande Avenue property for rent.
27 In fact, Brad C. had previously demanded that Respondent remove his rental listings, including

1 the listing for the Grande Avenue property, from her Craigslist advertising, but Respondent
2 failed to do so.

3 6. On or about February 14, 2012, the Deputy Commissioner contacted Tracy D.,
4 who had filed a complaint against Respondent with the Better Business Bureau. According to
5 Tracy D., she was looking for a studio apartment on Craigslist and found a property advertised
6 by Respondent that she was interested in renting. The telephone number listed on the
7 advertisement for the property belonged to Respondent. Respondent charged Tracy D. an \$80
8 fee for a list of the rental properties in her database. However, Tracy D. discovered that most of
9 the properties on the rental list sold to her by Respondent were shared apartments and not studio
10 apartments as Tracy D. had requested or the rental prices were actually higher than Respondent
11 listed on her printout.

12 7. On or about February 14, 2012, the Deputy Commissioner contacted Erica R.,
13 who had paid a \$98 fee to Respondent for a copy of Respondent's rental property listings.
14 When Erica R. called the contact numbers provided by Respondent for the rental properties, she
15 discovered the owners or managers of the properties she spoke with did not know who
16 Respondent was and had never given Respondent authorization to advertise their properties.
17 Erica R. did not end up using Respondent's services to find a rental property and requested a
18 refund. She received a partial refund of \$48 from Respondent (\$98 less a \$50 "non-refundable"
19 fee).

20 CONCLUSIONS OF LAW

21 8. Based on the Findings of Fact contained in Paragraphs 1 through 7, above,
22 Respondent performed activities which violate Sections 10167.11(b)(1), 10167.11(b)(2),
23 10167.11(b)(3) and 10167.11(b)(4) of the Code.

24 DESIST AND REFRAIN ORDER

25 Based on the Findings of Fact and Conclusions of Law stated herein,
26 LAVERNE MARIE BOSSE, individually and doing business as "Rent SD Properties",
27 whether doing business under your own name, or any other name or fictitious name, IS

