

1 Bureau of Real Estate
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FILED

APR 16 2014

BUREAU OF REAL ESTATE

By 

8 BEFORE THE BUREAU OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 To:) NO. H-4619 SD
12)
13) CARLOS DAVID SIERRA and)
14) FREEDOM PROPERTY MANAGEMENT.) ORDER TO DESIST
15)) AND REFRAIN
16)

14 The Commissioner ("Commissioner") of the California Bureau of Real Estate
15 ("Bureau") caused an investigation to be made of the activities of CARLOS DAVID SIERRA
16 ("SIERRA") and FREEDOM PROPERTY MANAGEMENT ("FPM") (collectively
17 "Respondents"). Based on that investigation the Commissioner has determined that
18 Respondents have engaged in or are engaging in acts or attempting to engage in the business of,
19 acting in the capacity of, and/or advertising or assuming to act as real estate brokers in the State
20 of California within the meaning of Business and Professions Code ("Code") Section 10131
21 (b) (lease or rent or offer to lease or rent, or place for rent, or solicit listings of places for rent, or
22 solicit for prospective tenants, or negotiate the sale, purchase, or exchanges of leases on real
23 property, or on a business opportunity, or collect rents from real property or improvements
24 thereon, or from business opportunities).

1 In addition, based on that investigation, the Commissioner has determined that
2 Respondents have engaged in or are engaging in acts or are attempting to engage in practices
3 constituting violations of the Code. Based on the findings of that investigation, set forth below,
4 the Commissioner hereby issues the following Findings of Fact, Conclusions of Law, and Desist
5 and Refrain Order under the authority of Section 10086 of the Code.

6 1. RELC, Inc. was a formerly licensed by the Bureau real estate corporation
7 (License ID 01523910) from April 10, 2006, through April 9, 2010. RELC, Inc. was formerly
8 licensed to do business as FPM. RELC, Inc.'s license expired on April 9, 2010.

9 2. SIERRA was formerly licensed by the Bureau as a real estate salesperson
10 from June 1, 2006, through May 31, 2010, License ID 01754960. SIERRA's license expired on
11 May 31, 2010.

12 3. On May 6, 2008, SIERRA and Eric Dean Zwick ("Zwick") filed, or caused a
13 Fictitious Business Name ("FBN") Statement to be filed, with the Office of the County Clerk for
14 Riverside County. The FBN statement listed SIERRA and Zwick as the registered owners of
15 FPM. The principal place of business is listed as: 39755 Murrieta Hot Springs Rd., Ste. #B120,
16 Murrieta, CA 92563.

17 4. Respondents used the following address as their mailing address: 27475 Ynez
18 Road, Box #103, Temecula, CA 92591, which is a UPS Store, postal service box.

19 5. For an unknown period of time, SIERRA, while doing business as FPM, has
20 engaged in the business of, acted in the capacity of, advertised or assumed to act as a real estate
21 broker in the State of California, within the meaning of Code Section 10131(b). Respondents'
22 activities included, but are not limited to, leasing, renting, or offering to lease or rent, places for
23 rent, soliciting listings of places for rent, soliciting for prospective tenants, negotiating the sale,
24 purchase or exchanges of leases on real property, or on a business opportunity, collecting rents

1 from real property, or improvements thereon, or from business opportunities, for another or
2 others.

3 6. On March 28, 2012, SIERRA executed a property management agreement
4 between real property owners, Carlos and Elisa V., and FPM, as broker, for the exclusive right
5 to rent, lease, operate, and manage a rental property located at 36045 Breman Ct., Winchester,
6 California 92596 ("Breman Ct. property").

7 7. On or about May 19, 2012, Respondents negotiated the rental of a property
8 located at between prospective tenants, William and Deborah C., and the owners of the Beman
9 Ct. property. On May 19, 2012, Respondents induced William and Deborah C. to sign a non-
10 refundable deposit form for collection of a security deposit in the amount of \$1,749 from
11 prospective tenants William and Deborah C. On May 25, 2012, FPM executed a residential
12 lease or month-to-month rental agreement as landlord of the Breman Ct. property with tenants,
13 William and Deborah C.

14 8. On May 24, 2012, Respondents collected a cashier's check in the amount of
15 \$3,770.35 from William and Deborah C. for their rental of the Breman Ct. property. From May,
16 2012, through approximately November, 2012, Respondents collected monthly rental payments
17 from William and Deborah C. for the Breman Ct. property. Respondents were supposed to
18 provide property management services on behalf of the owners of the Breman Ct. property.
19 Respondents failed to address the complaints from tenants William and Deborah C. regarding
20 the habitability of the Breman Ct. property and failed to provide the contact information for the
21 owners of the property to the tenants.

22 9. On August 16, 2009, SIERRA executed a property management agreement
23 between real property owner, Melody C., and RELC, Inc., as broker, for the exclusive right to
24 rent, lease, operate, and manage a rental property located at 52986 Sweet Juliet Lane, Lake

1 Elsinore, California 92532.

2 10. On August 27, 2009, SIERRA executed a property management agreement
3 between real property owner, Michael M., and RELC, Inc., as broker, for the exclusive right to
4 rent, lease, operate, and manage a rental property located at 31780 Lucio Lane, Winchester,
5 California 92596.

6 11. On June 22, 2010, SIERRA executed a property management agreement
7 between real property owner, Juan G., and FPM as broker, for the exclusive right to rent, lease,
8 operate, and manage a rental property located at 32314 Blazing Star, Winchester, California
9 92596.

10 12. On February 20, 2011, SIERRA executed a property management agreement
11 between real property owners, Jerardo and Patricia M., and FPM as broker, for the exclusive
12 right to rent, lease, operate, and manage a rental property located at 45595 Caminto Olite,
13 Temecula, California 92592.

14 13. On June 26, 2012, SIERRA executed a property management agreement
15 between real property owner, Venson G., and FPM as broker, for the exclusive right to rent,
16 lease, operate, and manage a rental property located at 35473 Ambrosia Dr., Winchester,
17 California 92596.

18 14. On August 31, 2012, SIERRA executed a property management agreement
19 between real property owner, Michael M., and FPM, as broker, for the exclusive right to rent,
20 lease, operate, and manage a rental property located at 33299 Blackwell Blvd., Lake Elsinore,
21 California 92530.

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1 CONCLUSIONS OF LAW

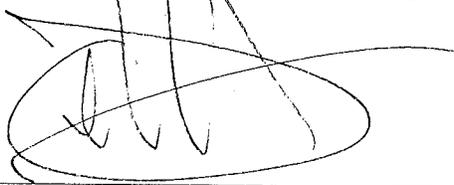
2 Based on the information contained in Paragraphs 1 through 14, above, CARLOS
3 DAVID SIERRA and FREEDOM PROPERTY MANAGEMENT violated Code Section 10130
4 by engaging in activities requiring a real estate license pursuant to Code section 10131(b),
5 without first obtaining a broker license from the Bureau.

6 DESIST AND REFRAIN ORDER

7 Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW stated
8 herein, IT IS HEREBY ORDERED THAT CARLOS DAVID SIERRA and FREEDOM
9 PROPERTY MANAGEMENT, whether doing business under their names or any other fictitious
10 business name, immediately desist and refrain from performing any acts within the State of
11 California for which a real estate broker license is required, unless they are so licensed.

12 DATED: April 8, 2014.

13 REAL ESTATE COMMISSIONER

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17 **By: JEFFREY MASON**
Chief Deputy Commissioner

18 **Notice:** Business and Professions Code Section 10139 provides that “[A]ny person acting as a
19 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
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).”

22 cc: CARLOS DAVID SIERRA and FREEDOM PROPERTY MANAGEMENT
23 37133 Edgemont Dr.
24 Murrieta, CA 92563