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1 Bureau of Real Estate
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2 Los Angeles, California 90013

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FILED

DEC 10 2014

BUREAU OF REAL ESTATE

By 

8 BUREAU OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * * * *

11 To:)	No. H- 04681 SD
)	
12 LAWRENCE MAURICE SMILEY)	<u>ORDER TO DESIST</u>
)	<u>AND REFRAIN</u>
)	B&P Code Section 10086)
)	
15 _____)	

16 The Commissioner ("Commissioner") of the California Bureau of Real Estate
 17 ("Bureau") caused an investigation to be made of the activities of LAWRENCE MAURICE
 18 SMILEY, and has determined that he has engaged in or is engaging in acts or practices
 19 constituting violations of the California Business and Professions Code ("Code") including
 20 engaging in the business of, acting in the capacity of, advertising, or assuming to act, as real
 21 estate broker in the State of California within the meaning of Code Section 10131(b) (leasing or
 22 renting or offering to lease or to rent or soliciting for prospective tenants or collecting rents from
 23 real property or improvements thereon). Based on the findings of that investigation, as set forth
 24 below, the Commissioner hereby issues the following Findings of Fact and Desist and Refrain
 25
 26
 27 Order pursuant to Section 10086 of the Code.

FINDINGS OF FACT

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2 1. LAWRENCE MAURICE SMILEY ("SMILEY") is not currently licensed by
3 the Bureau in any capacity. Commencing on or about September 11, 2008, through and
4 including September 9, 2012, SMILEY was licensed as a real estate broker. SMILEY's broker
5 license expired on September 10, 2012.

6 2. From in or around September 10, 2012, SMILEY engaged in the business of
7 and/or acted in the capacity of property manager, offering to perform and performing the rental
8 of the real property and collection of rents and security deposits for real property on behalf of
9 others for compensation or in expectation of compensation.

10 3. During the course of SMILEY's property management activities performed
11 under the fictitious business names SoCalProperty Management, SoCal Real Estate Inc., Socal
12 Real Estate Inc, and Socal Real Estate SMILEY converted rental payments and security deposits
13 belonging to the property owners, including but not limited to the following:
14

15 a. SMILEY was engaged to perform property management of the property at 1831
16 Centennial Place, Escondido, California ("Centennial Property") by the property's owner. In
17 August, 2012, SMILEY collected a security deposit of \$2,750 and monthly rental of \$2,250 from
18 the property's tenant. In or around September, 2012, rather than paying the foregoing funds over
19 to the owner of the Centennial Property in accordance with the property management agreement,
20 SMILEY converted the tenant's entire payment of \$5,000 (security deposit of \$2,750 and rental
21 payment of \$2,250) to his own use and benefit. Despite the owner's demand to SMILEY for the
22 return of the \$5,000 paid to SMILEY on the owner's behalf, SMILEY failed and refused to pay
23 the funds to the owner of the Centennial Property.
24

25 b. SMILEY was engaged to perform property management of the property at 1802
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27

1 1802 Spyglass Circle, Vista, California ("Spyglass Property") pursuant to an agreement with the
2 property's owner. The monthly rent of a tenant was collected by SMILEY and forwarded to the
3 owner of the Spyglass Property during the period June, 2012, to August, 2012. In or around
4 September, 2012, rather than paying the rental received from the tenant for that month over to the
5 owner of the Spyglass Property, SMILEY converted the tenant's rental payment of \$1,700 to his
6 own use and benefit. Despite the owner's demand to SMILEY for the return of the \$1,700 paid
7 to SMILEY on the owner's behalf, SMILEY failed and refused to pay the funds to the owner of
8 the Spyglass Property.
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10 c. SMILEY was engaged to perform property management of the property at
11 3577 Surf Lane, Oceanside, California ("Surf Lane Property") pursuant to an agreement with the
12 property's owner. SMILEY collected a security deposit from a tenant of the Surf Lane Property
13 in November, 2012. Thereafter, rather than paying the security deposit collected from the tenant
14 over to the owner of the Surf Lane Property, SMILEY converted the deposit of \$1,800 to his own
15 use and benefit. Despite the owner's demand to SMILEY for the return of the \$1,800 deposit
16 paid to SMILEY on the owner's behalf, SMILEY failed and refused to pay the funds to the
17 owner of the Surf Lane Property.
18

19 CONCLUSION OF LAW

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21 4. Based on the information contained in Paragraphs 1, 2 and 3, above, SMILEY
22 performed and/or participated in real property management activities, including renting or
23 offering to rent real property and collecting rental payments thereon, activities requiring a real
24 estate broker license under the provisions of Code Section 10131(b), during a period of time
25 when SMILEY was not licensed by the Bureau as a real estate broker, nor employed as a real
26 estate salesperson by a broker on whose behalf the activities were performed, all in violation of
27

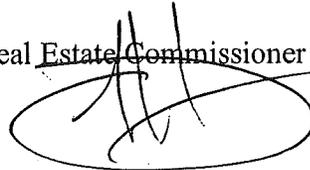
1 Section 10130 of the Code.

2 DESIST AND REFRAIN ORDER

3 Based upon the FINDINGS OF FACT and CONCLUSION OF LAW stated
4 herein, LAWRENCE MAURICE SMILEY IS HEREBY ORDERED to immediately desist and
5 refrain from performing any acts within the State of California for which a real estate broker
6 license is required.

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8 DATED: NOV 24 2014

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10 Real Estate Commissioner

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13 By: JEFFREY MASON
14 Chief Deputy Commissioner

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

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23 cc: LAWRENCE MAURICE SMILEY
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