Bureau of Real Estate
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FILED

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BUREAU OF REAL ESTATE

By

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

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To: SAN DIEGO ALTERNATIVE HOME SALES; JENNIFER CHEN; and CHRISTIAN SMITH	No. H-04701 SD ORDER TO DESIST AND REFRAIN (B&P Code section 10086)

The Commissioner ("Commissioner") of the California Bureau of Real Estate caused an investigation to be made of the activities of SAN DIEGO ALTERNATIVE HOME SALES ("SDAHS"), JENNIFER CHEN ("CHEN"), and CHRISTIAN SMITH ("SMITH") (collectively "Respondents"). Based on that investigation, the Commissioner has determined that Respondents SDAHS, CHEN, and SMITH have engaged in or are engaging in acts or are attempting to engage in the business of, acting in the capacity of, and/or advertising or assuming to act as real estate brokers in the State of California within the meaning of California Business and Professions Code sections 10131(a) (selling, buying, soliciting prospective sellers or purchasers of, soliciting or obtaining listings of, or negotiating the purchase, sale, or exchange of real property) and 10131(b) (offering to lease or rent, soliciting listings of places for rent, soliciting for prospective tenants, or negotiating the sale, purchase or exchanges of leases on real property).

In addition, based on that investigation, the Commissioner has determined that Respondents SDAHS, CHEN, and SMITH have engaged in or are engaging in acts or are attempting to engage in practices constituting violations of the California Business and Professions Code. Based on the findings of that investigation, set forth below, the Commissioner hereby issues the following Findings of Fact, Conclusions of Law, and Desist and Refrain Order under the authority of California Business and Professions Code section 10086.

FINDINGS OF FACT

1. SDAHS is not now, and has never been, licensed by the Bureau of Real Estate in any capacity.

2. CHEN is not now, and has never been, licensed by the Bureau of Real Estate in any capacity.

3. SMITH is not now, and has never been, licensed by the Bureau of Real Estate in any capacity.

4. On or about August 1, 2013, CHEN and SMITH registered "San Diego Alternative Home Sales" as their fictitious business name in the County of San Diego, State of California.

5. At the times set forth below, Respondents' business address has been and still is 4606 Altadena Ave., San Diego, CA 92115. At the times set forth below, Respondents' mailing address has been and still is 3288 Adams Ave., #161264, San Diego, CA 92176. At the times set forth below, Respondents' phone number has been and still is (619) 356-0240.

6. At the times set forth below, Respondents SDAHS, CHEN, and SMITH engaged in the following activities requiring a broker license for compensation or in expectation of compensation without first obtaining a broker license from the Bureau of Real Estate, in violation of California Business and Professions Code section 10130.

a. Sell or offer to sell, buy or offer to buy, solicit prospective sellers or purchasers of, solicit or obtain listings of, or negotiate the purchase, sale, or exchange of real property or a business opportunity, pursuant to California Business and Professions Code section 10131(a); and

b. Lease or rent or offer to lease or rent, or place for rent, or solicit listings of places for rent, or solicit for prospective tenants, or negotiate the sale, purchase or exchanges of leases on real property, or on a business opportunity, or collect rent from real property or improvements thereon, or from business opportunities, pursuant to California Business and Professions Code section 10131(b).

7. On at least February 19, 2013 and February 20, 2013, Respondents advertised a home in La Mesa, California for sale for $850,000 on www.landvoice.com.

8. For an unknown period of time, but from at least April 22, 2014 through the present, Respondents used their website www.sandiegoalternativehomesales.com to sell, offer to sell, buy, offer to buy, solicit prospective sellers or purchasers of, solicit or obtain listings of, negotiate the purchase and sale of real property, lease, rent, offer to lease or rent, place for rent, solicit listings of places for rent, solicit for prospective tenants, negotiate the sale, purchase or exchanges of leases on real property on their website. Respondents also used the website address, www.sdahomesales.com, which directs users to www.sandiegoalternativehomesales.com.

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CONCLUSIONS OF LAW

Based on the information contained in Paragraphs 1 through 8, above, Respondents SDAHS, CHEN, and SMITH violated California Business and Professions Code section 10130 by engaging in activities requiring a broker license pursuant to California Business and Professions Code sections 10131(a) and 10131(b) without first obtaining a broker license from the Bureau of Real Estate.

DESIST AND REFRAIN ORDER

Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW stated herein, it is hereby ordered that Respondents SDAHS, CHEN, and SMITH immediately desist and refrain from: performing any acts within the State of California for which a real estate broker license is required, unless licensed do to so.

IT IS FURTHER ORDERED THAT Respondents SDAHS, CHEN, and SMITH immediately desist and refrain from:

1. Selling or offering to sell, buying or offering to buy, soliciting prospective sellers or purchasers of, soliciting or obtaining listings of, or negotiating the purchase, sale, or exchange of real property or a business opportunity; and

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2. Leasing or renting or offering to lease or rent, or place for rent, or soliciting listings of places for rent, or soliciting for prospective tenants, or negotiating the sale, purchase or exchanges of leases on real property, or on a business opportunity, or collecting rent from real property or improvements thereon, or from business opportunities.

DATED: FEBRUARY 24, 2015.

REAL ESTATE COMMISSIONER

By: JEFFREY MASON
Chief Deputy Commissioner

Notice: California Business and Professions Code section 10139 provides, "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: SAN DIEGO ALTERNATIVE HOME SALES
4606 Altadena Ave.
San Diego, CA 92115

JENNIFER CHEN
4606 Altadena Ave.
San Diego, CA 92115

CHRISTIAN SMITH
4606 Altadena Ave.
San Diego, CA 92115