FILED

June 26, 2012

DEPARTMENT OF REAL ESTATE

By L. Jones

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STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

* * *

To: DOMINIUM MANAGEMENT, LLC, and, MICHAEL A. SILVA, an individual Respondent.	No. H-5845 SAC ORDER TO DESIST AND REFRAIN (B&P Code Section 10086)

The Commissioner of the California Department of Real Estate (hereinafter the "Department") caused an investigation to be made of the activities of DOMINIUM MANAGEMENT, LLC (hereinafter "DOMINIUM"), its members, subsidiaries, successors in interest, principals, and/or other entities or individuals unknown to the Department at this time and MICHAEL A. SILVA, acting as the representative of DOMINIUM (hereinafter "SILVA"). Based on the investigation, the Commissioner has determined DOMINIUM has engaged in, is engaging in, or is attempting to engage in, acts or practices constituting violations of the California Business and Professions Code (hereinafter "Code") and/or Title 10, Chapter 6, California Code of Regulations (hereinafter "Regulations"), including acting in the capacity of, advertising, or assuming to act as a corporate real estate broker in the State of California within the meaning of Section 10130 (License required to act in the capacity of a real estate broker or salesperson), Section 10131(b) (Broker license required to operate property management company for compensation or expectation of compensation regardless of the form or time of payment), and Section 10133 (a) (1) of the Code (Receipt or expectation of compensation for real property services rendered by a partner to a partnership or an officer of a corporation to a corporation beyond the receipt the officer's or partner's distribution of shared income or

expenses ("special compensation") is not exempt from license requirements). Pursuant to DOMINIUM'S management agreement, DOMINIUM, for special compensation or in expectation of special compensation by or through SILVA as DOMINIUM'S representative, DOMINIUM and SILVA are acting as a property manager for which a real estate license is required.

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

FINDINGS OF FACT

1. At all times mentioned herein DOMINIUM was doing business as a limited liability company and not as a corporate real estate broker. As a limited liability company DOMINIUM was not and could not obtain a corporate real estate brokers license unless and until DOMINIUM converted to a corporation licensed to conduct business within the State of California, and, once incorporated, made application to the Department for a real estate brokers license, and employed a corporate officer/supervising broker to oversee and supervise its real estate activities.

2. At all times relevant herein SILVA, an expired salesperson licensee, was not and is not licensed by the Department as a real estate broker.

3. Since, at least, September 29, 2005, and in violation of Section 10130, Section 10131(b) and Section 10133(a)(1) of the Code and Section 2728 of the Commissioner's Regulations, DOMINIUM and SILVA on behalf of DOMINIUM were acting as the property manager for a commercial rental property commonly known as Oak Tree Plaza, 1300 East Covell Blvd., Davis, California ("Oak Tree Plaza") for or in expectation of special compensation, by performing one or more of the following acts: leased or rented or offered to lease or rent; solicited rental listings; solicited prospective tenants; negotiate the sale, purchase or exchange of leases on real property or improvements thereon, or on a business opportunity; collect rents from real property, or improvements thereon, or from business opportunities,

including, but not limited to, the following tenant:

Tenant	Demised Address
Variety Donuts a.k.a. Pink Dozen	1300 East Covell Blvd., Suite D, Davis, California

CONCLUSIONS OF LAW

4. Based upon the *Findings of Fact* contained in Paragraphs 1 through 3, above, and in violation of Section 10130 (license required), Section 10131(b) (broker license required to operate property management company), and Section 10133 (a) (1) (receipt or expectation of special compensation requires a real estate license) of the Code, DOMINIUM and SILVA performed and/or participated in property management activities for or in expectation of special compensation which requires a real estate broker license during a period of time when DOMINIUM was not licensed by the Department in any capacity and SILVA did not hold a valid real estate broker license nor was licensed as DOMINIUM'S designated officer/broker.

DESIST AND REFRAIN ORDER

Based upon the Findings of Fact and Conclusions of Law stated herein, DOMINIUM MANAGEMENT, LLC, ITS MEMBERS, EMPLOYEES, AGENTS, SUCCESSORS AND ASSIGNS, ARE HEREBY ORDERED TO IMMEDIATELY DESIST AND REFRAIN from performing any act within the State of California which requires a California real estate license. In particular, to immediately desist and refrain from providing or participating in property management services for others for or in expectation of special compensation until and unless DOMINIUM has been incorporated and is issued a valid corporate real estate brokers license by the California Department of Real Estate and a licensed real estate broker has been appointed to act as its designated officer/broker.

In addition, based upon the Findings of Fact and Conclusions of Law stated herein, MICHAEL A. SILVA, individually and/or acting as the agent for DOMINIUM, IS HEREBY ORDERED TO IMMEDIATELY DESIST AND REFRAIN from performing any act within the State of California which requires a real estate license. In particular, to immediately

desist and refrain from providing or participating in property management services for compensation or in expectation of special compensation until SILVA obtains a valid real estate brokers license issued by the California Department of Real Estate.

DATED: June 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: Michael Silva
7 Roma Ct
Sacramento, CA 95831

Dominium Management, LLC
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Sacramento, CA 95835