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

Telephone: (916) 227-0789 (Main)

FILED
NOV 14 2012
DEPARTMENT OF REAL ESTATE
By K. Mat

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

To: TANIA WACHE.	NO. H-5912 SAC ORDER TO DESIST AND REFRAIN (B&P Code Section 10086)

The Commissioner ("the Commissioner") of the California Department of Real Estate ("the Department") caused an investigation to be made of the activities of TANIA WACHE ("Respondent"). Based on that investigation, the Commissioner has determined that Respondent has engaged in, is engaging in, or is attempting to engage in, acts or practices constituting violations of the California Business and Professions Code ("Code") and/or Title 10, Chapter 6, California Code of Regulations ("Regulations"), including acting in the capacity of, advertising or assuming to act as a real estate broker in the State of California within the meaning of Sections 10130 (broker license requirement), 10131(a) (selling/buying real property) and 10131(b) of the Code (property management/collection of rent) of the Code. Furthermore, based on the investigation, the Commissioner hereby issues the following Findings of Fact, Conclusions of Law, and Desist and Refrain Order under the authority of Section 10086 of the Code.

FINDINGS OF FACT

1. At no time has Respondent been licensed by the Department to conduct real estate activity in the State of California.

2. At all times relevant, John Anthony Alcantar ("Alcantar") was and now is licensed by the Department as a real estate salesperson.

3. At all times relevant, Lee Ann Brady ("Brady") was and now is licensed by the Department as a real estate broker and conducted real estate activity using the fictitious business name "24/7 Real Estate" ("24/7").

4. At all times relevant, Kirk Adam Tainsh ("Tainsh") was and now is licensed by the Department as a real estate salesperson and was the branch manager of 24/7.

5. On or about August 5, 2009, Respondent drafted a lease agreement with an option to buy between herself and property owner Bruce M. for the real property located at 5011 Dapple Grey, Redding, California. According to that agreement, Alcantar was listed as being authorized to receive the acceptance of any offer on behalf of Respondent. In addition, Brady, doing business as 24/7, was listed as the cooperating broker to the transaction with Alcantar identified as the agent.

6. On or about August 5, 2009, Respondent a residential lease agreement was drafted between herself and Bruce M. for the Dapple Grey property. That lease agreement expressly stated that Respondent was not authorized to sublet the property without Bruce M.'s prior written consent. Throughout the document, 24/7 was listed as maintaining the agency relationship for both Respondent and Alcantar.

7. On or about November 14, 2009, Respondent drafted a residential lease agreement for the Dapple Grey property between Respondent as landlord and Aaron, Alice and Kimberly H. as tenants, covering the rental period of November 14, 2009, through November 30, 2012. Respondent collected all rent money from Aaron, Alice and Kimberly H. and paid it to Bruce H. herself. On or about June 1, 2010, Aaron, Alice and Kimberly H. vacated the Dapple Grey property.

8. On or about August 24, 2009, a residential purchase agreement was drafted by Respondent with an offer on the Dapple Grey property from Respondent with escrow scheduled to close on November 30, 2012. Throughout the document, Alcantar was listed as the acting agent for 24/7 for both Respondent and Bruce M. Included with that purchase agreement was a transfer disclosure statement which indicated that Alcantar was operating as the agent on behalf of 24/7. Agency relationship disclosure forms indicated that Alcantar, as an agent of 24/7, was representing both Respondent and Bruce M. According to Bruce M., he was led to believe that Alcantar was the broker of 24/7. Bruce M. confirmed there was never any listing agreement with 24/7 to list the Dapple Grey property and that Alcantar had informed Bruce M. that such a listing agreement was not necessary because he was facilitating a private sale between Respondent and Bruce M.

9. On or about June 10, 2010, Respondent collected a $30 rental application screening fee from prospective tenants Steve H. and Heather J. On or about July 1, 2010, Steve H. and Heather J. entered into separate residential lease agreements with Respondent for the Dapple Grey property, with tenancy to commence on July 1, 2010, and to continue month-to-month. All rent money was to be paid directly to Respondent. In addition, Respondent charged and collected a security deposit of $1,450.

10. On or about August 24, 2010, an advertisement appeared on Craigslist indicating the Dapple Grey property would soon be available for rent. The advertisement contained Respondent's telephone number, along with the direction to "ask for Tania".

11. On or about September 10, 2010, Respondent sent a letter to Tainsh at 24/7 stating that Alcanatar was her employer and that all property management conducted by her and Respondent had been done as private citizens with no affiliation to 24/7. Both Respondent and Alcantar signed that document.

CONCLUSIONS OF LAW

12. Based on the Findings of Fact contained in Paragraphs 1 through 11, above, TANIA WACHE conducted activities requiring a real estate broker license, including,

selling or offering to sell, buying or offering to buy, soliciting prospective sellers or purchasers of, soliciting or obtaining lists of, or negotiating the purchase, sale or exchange of real property; and on behalf of others, for compensation or in expectation of compensation, leased or rented and offered to lease or rent, and solicited for prospective tenants of real property or improvements thereon, and collected rents from real property or improvements thereon in violation of Sections 10130, 10131(a) and 10131(b) of the Code.

DESIST AND REFRAIN ORDER

Based on the Findings of Fact and Conclusions of Law stated herein, TANIA WACHE, whether doing business under your own name, or any other name or fictitious name, IS HEREBY ORDERED to immediately desist and refrain from performing any acts within the State of California that require a real estate broker license unless and until you are properly licensed by the Department as a real estate broker.

DATED: 11/14/2012

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: TANIA WACHE
816 West Street
Redding, CA 96001

ATTY JWB/km