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FILED

DEC 21 2012

DEPARTMENT OF REAL ESTATE

By: *K. Contreras*

8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 TO:) NO. H-5931 SAC
12)
13) THE KING OF HOMES.) ORDER TO DESIST AND REFRAIN
14) (B&P Code Section 10086)

14 The Real Estate Commissioner (Commissioner) of the California Department of
15 Real Estate (Department) caused an investigation to be made of the activities of THE KING OF
16 HOMES (KOH). Based on that investigation, the Commissioner has determined that KOH has
17 engaged in, is engaging in, or is attempting to engage in, acts or practices constituting violations
18 of the California Business and Professions Code (Code) including acting in the capacity of,
19 advertising, or assuming to act as a real estate broker in the State of California within the
20 meaning of Sections 10131(a) (sales) and (b) (property management services) of the Code.
21 Furthermore, based on the investigation, the Commissioner hereby issues the following
22 Findings of Fact and Desist and Refrain Order under the authority of Section 10086 of the Code.

23 FINDINGS OF FACT

- 24 1. At no time herein mentioned has KOH been licensed in any capacity by the
25 Department.
26 2. Between about December 22, 2009 and August 22, 2011, KOH negotiated to
27 do one or more of the following acts for another or others, for or in expectation of compensation:

1 sell or offer to sell, purchase or offer to purchase, solicit prospective sellers and purchasers,
 2 solicit or obtain listings of, or negotiate the purchase, sale or exchange of real property or a
 3 business opportunity; lease or rent or offer to lease or rent; place for rent; solicit listings of places
 4 for rent; solicit for prospective tenants; negotiate the sale, purchase or exchange of leases on real
 5 property, or on a business opportunity; collect rents from real property, or improvements thereon,
 6 or from business opportunities.

7 3. At all times mentioned herein, KOH and its unlicensed employees solicited
 8 prospective sellers and purchasers, solicited listings or obtained listings, through the KOH
 9 website in order to negotiate the sale and purchase of the following properties, during a time
 10 when KOH did not possess a real estate broker license, in violation of Section 10130 (licensed
 11 activity) of the Code:

<u>Property</u>	<u>Close of Escrow Date</u>	<u>Commission</u>
Helen Ct., Santa Cruz, CA	3/8/10	\$14,575
Croxtan Way, Sacramento, CA	5/24/10	\$2,850
Osuna Way, Sacramento	7/16/10	\$5,375
Blue Rapids Dr., Folsom, CA	7/28/10	\$6,375
Montoya, Sacramento CA	8/18/10	\$4,825
Canvasback Cir., Lincoln, CA	9/20/10	\$5,625
Deseret, Fair Oaks, CA	3/23/11	\$3,225
Wintermist Ct., Sacramento, CA	5/2/11	\$5,100
Kenneth Ave, Carmichael, CA	8/22/11	\$1,555

21 4. At all times mentioned herein, KOH and its unlicensed employees, solicited
 22 prospective sellers and purchaser or solicited listings and negotiated Relocation Assistance
 23 Agreements (herein "cash for keys") with tenants, received the cash for keys payments (herein
 24 "trust funds") on behalf of the tenants, and disbursed said trust funds to the tenants, in violation
 25 of Section 10130 of the Code:

<u>Tenant</u>	<u>Property</u>	<u>Date</u>	<u>Amount</u>
Ann C.	Blue Rapids Drive Folsom, CA	12/22/09	\$4,000

(Continued)	<u>Tenant</u>	<u>Property</u>	<u>Date</u>	<u>Amount</u>
	John D.	Farrington Lane Lincoln, CA	2/18/10	\$4,000
	David O.	Croxtton Way Sacramento, CA	2/25/10	\$4,000
	Kristy V.	Montoya Sacramento, CA	2/17/10	\$3,000
	Daren & Zenita K.	Montoya Sacramento, CA	3/30/10	\$4,070

CONCLUSIONS OF LAW

5. Based on the Findings of Fact contained in Paragraphs 1 through 4, KOH performed and/or participated in property sales and management activities which require a real estate broker license under Section 10130 of the Code during a period of time when KOH was not licensed in any capacity by the Department.

DESIST AND REFRAIN ORDER

Based upon the Findings of Fact and Conclusions of Law stated herein, THE KING OF HOMES IS HEREBY ORDERED to immediately Desist and Refrain from performing any acts within the State of California for which a real estate broker license is required, and in particular, to immediately Desist and Refrain from providing or participating in property sales and management services for others for compensation unless and until THE KING OF HOMES obtains an appropriate license issued by the Department.

DATED: 12/12, 2012

Real Estate Commissioner



By WAYNE S. BELL
Chief Counsel

1 -NOTICE-

2 Business and Professions Code Section 10139 (Penalties for Unlicensed Person)
3 provides that: "Any person acting as a real estate broker, real estate salesperson, or mortgage
4 loan originator without a license or license endorsement, or who advertises using words
5 indicating that he or she is a real estate broker, real estate salesperson, or mortgage loan originator
6 without being so licensed or without having obtained a license endorsement, shall be guilty of a
7 public offense punishable by a fine not exceeding twenty thousand dollars (\$20,000), or by
8 imprisonment in the county jail for a term not to exceed six months, or by both fine and
9 imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars
10 (\$60,000). ..."

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12
13 cc: THE KING OF HOMES
14 Steve King, Agent For Service Of Process
15 2081 Arena Blvd., Ste 100
16 Sacramento, CA 95834; and,
17 4101 Innovator Dr., #1127
18 Sacramento, CA 95834
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Atty MFC/kc 27