FILED

February 27, 2014

BUREAU OF REAL ESTATE

By

Bureau of Real Estate
P. O. Box 137007
Sacramento, CA 95813-7007

Telephone: (916) 263-8670

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

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To: CEMANTHIA CECELIA POTILLOR	NO. H-6086 SAC ORDER TO DESIST AND REFRAIN (B&P Code Section 10086)

The Real Estate Commissioner ("Commissioner") of the California Bureau of Real Estate ("Bureau") caused an investigation to be made of the activities of CEMANTHIA CECELIA POTILLOR. Based on that investigation, the Commissioner has determined that CEMANTHIA CECELIA POTILLOR 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") 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 Code Section 10131(b) (property management services). Furthermore, based on the investigation, the Commissioner hereby issues the following Findings of Fact and Desist and Refrain Order under the authority of Code Section 10086.

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FINDINGS OF FACT

1. CEMANTHIA CECELIA POTILLOR ("POTILLOR") was licensed by the Bureau as a real estate salesperson until October 16, 2010. From February 29, 2009 through January 24, 2010, POTILLOR was employed by licensed real estate broker Denise Diane West. Between January 24, 2010 and April 16, 2010, POTILLOR was not employed by any licensed real estate broker and therefore, was not entitled to engage in any activities requiring a real estate license. From April 16, 2010 through September 10, 2010, POTILLOR was employed by licensed corporate real estate broker R & D Development Inc. After September 10, 2010, and continuing until her real estate license expired on October 16, 2010, POTILLOR was not employed by any licensed real estate broker, and therefore was not entitled to engage in any activities requiring a real estate license. Since POTILLOR's license expired on October 16, 2010 and continuing to the present, POTILLOR has not been entitled to engage in any activity requiring a real estate license.

2. Since March 9, 2009, and continuing to at least December 2012, POTILLOR negotiated to do one or more of the following acts for another or others, for or in expectation of compensation within the State of California: lease or rent or offer to lease or rent; place for rent; solicit listings of places for rent; solicit for prospective tenants; negotiate the sale, purchase or exchange of leases on real property, or on a business opportunity; collect rents from real property, or improvements thereon, or from business opportunities, in violation of Code Sections 10130 (broker license required), in conjunction with Code Section 10131(b) (property management activities).

3. In connection with the activities described in paragraph 2, above, on or about March 9, 2009, POTILLOR, while licensed and employed by real estate broker Denise Diane West doing business as Frontier Properties, entered into a property management agreement with Lance B. on behalf of his father Farouk B. ("Owner") to perform property

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management services related to the residential property known as 4539 Crimsonwood Dr., Redding, California ("the Property"). POTILLOR contracted with Owner to perform property management services which included the collection of rents and security deposits, advertising the Property for rent, singing lease agreements with tenants, overseeing repairs and maintenance of the Property, and responding to tenant(s) emergency calls. From about June 2009 and continuing through at least October 5, 2012, POTILLOR collected monthly rent in the amount of approximately $1,200.00-$1,300.00 from tenant(s) for rental of the Property, and charged Owner a management fee of approximately 8% of gross rents received pursuant to the property management agreement.

4. On or about October 22, 2012, Owner terminated the property management agreement with POTILLOR and demanded she remit to Owner the tenant's security deposit in the amount of $1,675.00 and remaining Owner's funds of $700.00, for a total of $2,375.00. To date, POTILLOR has refused to remit to Owner the requested funds to which Owner is entitled.

CONCLUSIONS OF LAW

Based on the Findings of Fact contained in paragraphs 1 through 4, above, POTILLOR performed property management activities which require a real estate broker license within the meaning of Code Sections 10130 and 10131(b) during a period of time when POTILLOR was not entitled to engage in any activity requiring a real estate license, in that POTILLOR either had no employing broker or was not licensed as a broker by the Bureau.

DESIST AND REFRAIN ORDER

BASED UPON THE FINDINGS OF FACT AND CONCLUSIONS OF LAW STATED HEREIN, CEMANTHIA CECELIA POTILLOR 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, immediately desist and refrain from providing or participating in property management services for others

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for or in expectation of compensation, including but not limited to collecting rents and security deposits from tenants, owning and managing a trust account, soliciting prospective tenants and property owners, and advertising properties for rent, unless and until POTILLOR obtains a real estate broker license issued by the Bureau.

DATED: FEB 24 2014.

REAL ESTATE COMMISSIONER

By: JEFFREY MASON
Chief Deputy Commissioner

- **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:
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