FILED

DEPARTMENT OF REAL ESTATE
P. O. Box 187007
Sacramento, CA 95818-7007

Telephone: (916) 227-0789

July 10, 2012

DEPARTMENT OF REAL ESTATE

By _____

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

To: FRACTIONAL PROPERTY SPECIALISTS, PRECISE TITLE TRANSFER, JOHN P. LE SAINT, MICHAEL MCGUIRE, PATRICK DIAZ, AND SARAH JONES	No. H-11420 SF ORDER TO DESIST AND REFRAIN (B&P Code Section 10086)

The Commissioner ("Commissioner") of the California Department of Real Estate ("Department") caused an investigation to be made of the activities of FRACTIONAL PROPERTY SPECIALISTS, PRECISE TITLE TRANSFER, JOHN P. LE SAINT, MICHAEL MCGUIRE, PATRICK DIAZ, and SARAH JONES. Based on that investigation, the Commissioner has determined that Respondents have engaged in, are engaging in, or are 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 the business of, acting in the capacity of, and/or advertising or assuming to act as, a real estate broker in the State of California within the meaning of Sections 10130 (act as a real estate broker without a license), 10131(a) (solicited prospective sellers and purchasers of, solicited and obtained listings of, and negotiated the purchase and sale of real property consisting of timeshare interests) and 10085.5 (demanding advance fee) of the Code. Furthermore, based upon the investigation, the Commissioner hereby issues the following Findings of Fact and Desist and Refrain Order under the authority of Code Section 10086.

Whenever acts referred to below are attributed to FRACTIONAL PROPERTY SPECIALISTS, those acts are alleged to have been done by PRECISE TITLE TRANSFER, JOHN P. LE SAINT, MICHAEL MCGUIRE, PATRICK DIAZ, and SARAH JONES, acting by themselves or by and/or through one or more agents, associates, affiliates, and/or co-conspirators, and/or using other names or fictitious names unknown at this time.

FINDINGS OF FACT

1. At no time herein mentioned has FRACTIONAL PROPERTY SPECIALISTS been licensed by the Department in any capacity.

2. At no time herein mentioned has PRECISE TITLE TRANSFER been licensed by the Department in any capacity.

3. At no time herein mentioned has JOHN P. LE SAINT been licensed by the Department in any capacity.

4. At no time herein mentioned has MICHAEL MCGUIRE been licensed by the Department in any capacity.

5. At no time herein mentioned has PATRICK DIAZ been licensed by the Department in any capacity.

6. At no time herein mentioned has SARAH JONES been licensed by the Department in any capacity.

7. As hereinafter set forth, FRACTIONAL PROPERTY SPECIALISTS, PRECISE TITLE TRANSFER, JOHN P. LE SAINT, MICHAEL MCGUIRE, PATRICK DIAZ, and SARAH JONES engaged in the business of, acted in the capacity of, or assumed to act as a real estate broker in California.

8. During the periods of time set forth below, FRACTIONAL PROPERTY SPECIALISTS, acting by and through PRECISE TITLE TRANSFER, JOHN P. LE SAINT, MICHAEL MCGUIRE, PATRICK DIAZ, and SARAH JONES and/or other agents, associates, affiliates, and/or co-conspirators solicited to do one or more of the following acts for another or others, for or in expectation of compensation: solicited prospective sellers and purchasers of,

solicited and obtained listings of, and negotiated the purchase and sale of real property consisting of timeshare interests.

9. On approximately September 21, 2011, FRACTIONAL PROPERTY SPECIALISTS and PRECISE TITLE TRANSFER, acting by and through, JOHN P. LE SAINT, MICHAEL MCGUIRE, PATRICK DIAZ and SARAH JONES, and/or other agents, associates, affiliates, and/or co-conspirators solicited Eustace G. in order to negotiate the sale of his timeshare interest located in Mazatlan, Mexico, and claiming, demanding, charging, receiving, collecting or contracting for an advanced fee for such services in the amount of $13,600.00 US without having first obtained a real estate broker license in violation of Sections 10130, 10131(a), and 10085.5.

10. At all times relevant herein, FRACTIONAL PROPERTY SPECIALISTS maintained a web presence using the web address www.fractionalpropertyspecialists.com without including a disclaimer on the website legend that "The services referred to herein are not available to persons located within the State of California."

CONCLUSIONS OF LAW

11. Based upon the Findings of Fact contained in Paragraphs 1 through 10, FRACTIONAL PROPERTY SPECIALISTS, PRECISE TITLE TRANSFER, JOHN P. LE SAINT, MICHAEL MCGUIRE, PATRICK DIAZ, and SARAH JONES have solicited prospective sellers and purchasers of, solicited and obtained listings of, and negotiated the purchase and sale of real property consisting of timeshare interests which require a real estate license during a period of time when each was not licensed by the Department in any capacity for or in expectation of a compensation and claimed, demanded, charged, received, collected or contracted for an advanced fee for such services. Thus, FRACTIONAL PROPERTY SPECIALISTS, PRECISE TITLE TRANSFER, JOHN P. LE SAINT, MICHAEL MCGUIRE, PATRICK DIAZ, and SARAH JONES violated Sections 10130, 10131(a) and 10085.5 of the Code.

///

DESIST AND REFRAIN ORDER

12. Now, therefore, FRACTIONAL PROPERTY SPECIALISTS, PRECISE TITLE TRANSFER, JOHN P. LE SAINT, MICHAEL MCGUIRE, PATRICK DIAZ, and SARAH JONES, their employees, agents, official successors and assigns, ARE HEREBY ORDERED to immediately desist and refrain from:

(1) performing any and all acts within the State of California for which a real estate salesperson or broker license is required, unless and until they obtain a real estate salesperson or broker license; and

(2) charging, demanding, contracting for or receiving advance fees, as that term is defined in Section 10026 of the code, for any of the services they offer to others, unless and until they demonstrate and provide evidence satisfactory to the Commissioner that they are properly licensed by the Department as a real estate broker, and that they have an advance fee agreement which has been submitted to the Department and which is in compliance with the provisions of Section 2970 of the Regulations.

(3) Immediately cease to solicit persons located within the State of California on whose behalf a service which requires a California real estate license is provided or offered or to whom an advertisement for such services is directed. You are further ordered to immediately include upon www.fractionalpropertyspecialists.com, the website of FRACTIONAL PROPERTY SPECIALISTS, and all further websites maintained by you the legend "The services referred to herein are not available to persons located within the State of California."

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:
Fractional Property Specialists
603 Market St, 3rd Flr
San Francisco, CA 94108
&
c/o Fast Domain
1958 South 950 East
Provo, Utah 84606

Precise Title Transfer
603 Market St, 3rd Flr
San Francisco, CA 94108
&
c/o Fast Domain
1958 South 950 East
Provo, Utah 84606

John P. Le Saint
603 Market St, 3rd Flr
San Francisco, CA 94108
&
c/o Fast Domain
1958 South 950 East
Provo, Utah 84606

Michael McGuire
603 Market St, 3rd Flr
San Francisco, CA 94108
&
c/o Fast Domain
1958 South 950 East
Provo, Utah 84606

Patrick Diaz
603 Market St, 3rd Flr
San Francisco, CA 94108
&
c/o Fast Domain
1958 South 950 East
Provo, Utah 84606

Sarah Jones
603 Market St, 3rd Flr
San Francisco, CA 94108
&
c/o Fast Domain
1958 South 950 East
Provo, Utah 84606