DEPARTMENT OF REAL ESTATE
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FILED

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DEPARTMENT OF REAL ESTATE

By D. Contreras

STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

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To: ARTURO GARCIA SANCHEZ.	NO. H-11447 SF ORDER TO DESIST AND REFRAIN (B&P Code Section 10086)

The Real Estate Commissioner (Commissioner) of the California Department of Real Estate (Department) caused an investigation to be made of the activities of ARTURO GARCIA SANCHEZ (SANCHEZ) dba's "A S Property Management" and "A S Diversified Investments, LLC." Based on that investigation, the Commissioner has determined that SANCHEZ 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.

FINDINGS OF FACT

1. During the period of time set out below, SANCHEZ was licensed by the Department as a real estate salesperson.

2. During the period of time set out below, SANCHEZ was employed by and under the supervision of S & L Home Loans, Inc. (S & L), a real estate broker.

3. Between about July 2009 and about September 9, 2011, SANCHEZ, without the knowledge and/or authority of S & L, negotiated to do one or more of the following acts for another or others, for or in expectation of compensation: 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 Section 10130 (license required) of the Code.

4. At all times herein mentioned, in connection with the activities described in Paragraph 3, above, SANCHEZ collected rents and security deposits (trust funds), deposited said trust funds into SANCHEZ' own bank account, commingled trust funds with SANCHEZ' own funds, disbursed funds to investors and others, and performed other property management services, including performing property management services for a real property located on International Blvd, Oakland, California, rented by Emilio N., a tenant in foreclosure, on behalf of the owner, 1492 Investors, LLC, without the knowledge and/or authorization of S & L, in violation of Section 10130 of the Code.

5. At all times mentioned herein, SANCHEZ conducted said property management activities using the fictitious business names "A S Property Management" and "A S Diversified Investments, LLC," without first obtaining a license bearing such fictitious names, in violation of Section 2731 (license bearing fictitious business names), Chapter 6, Title 10, of the California Code of Regulations (the Regulations).

CONCLUSIONS OF LAW

6. Based on the Findings of Fact contained in Paragraphs 1 through 4, above, SANCHEZ performed property management activities which require a real estate broker license under Code Sections 10130 and 10131(b) during a period of time when SANCHEZ failed to

act within the knowledge, supervision or authorization of S & L, his employing real estate broker.

7. Based on the Findings of Fact contained in Paragraph 5, above, SANCHEZ used fictitious business names without first holding a license bearing said fictitious business names pursuant to Section 2731 of the Regulations.

DESIST AND REFRAIN ORDER

BASED UPON THE FINDINGS OF FACT AND CONCLUSIONS OF LAW STATED HEREIN, ARTURO GARCIA SANCHEZ, 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 for compensation, including owning and managing a trust account, unless and until you individually obtain a real estate broker license issued by the Department or are employed and supervised by a real estate broker.

BASED UPON THE FINDINGS OF FACT AND CONCLUSIONS OF LAW STATED HEREIN, ARTURO GARCIA SANCHEZ, IS HEREBY ORDERED to immediately desist and refrain from using fictitious business names without first obtaining a license bearing such fictitious names.

DATED: August 7, 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: ARTURO GARCIA SANCHEZ
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