DEPARTMENT OF REAL ESTATE
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FILED
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DEPARTMENT OF REAL ESTATE
By

STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

To: PACIFIC HEIGHTS PROPERTY, MATTHEW DAVIS, AMY ERICKSON, TROY ERICKSON, MARY ANN FISHER, TROY JOHNSON and SHANNON SUMMERS.	NO. H-11514 SF ORDER TO DESIST AND REFRAIN (B&P Code Section 10086)

The Commissioner of the California Department of Real Estate ("Department") caused an investigation to be made of the activities of PACIFIC HEIGHTS PROPERTY ("PHP"), MATTHEW DAVIS ("MATTHEW"), AMY ERICKSON ("AMY"), TROY ERICKSON ("TROY"), MARY ANN FISHER ("MARY ANN"), TROY JOHNSON and SHANNON SUMMERS ("SHANNON").

Based on that investigation, the Commissioner has determined that PHP, MATTHEW, AMY, TROY, MARY ANN, TROY JOHNSON and SHANNON 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 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 Sections 10130 (act as a real estate broker without a license) and 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). 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 PHP, those acts are alleged to have been done by PHP, 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. PHP is a company existing under the laws of the State of California and with its primary place of business located at 2526 Webster, San Francisco, California, 94123. At no time herein mentioned has PHP been licensed by the Department in any capacity.

2. MATTHEW, AMY, TROY, MARY ANN, TROY JOHNSON and SHANNON are the agents, associates and/or employees of PHP and are not now, and have never been, licensed by the Department in any capacity.

3. During the periods of time set forth below, PHP (individually and/or its officers, directors, employees, and/or agents employed by or associated with PHP), MATTHEW, AMY, TROY, MARY ANN, TROY JOHNSON and SHANNON solicited prospective sellers and purchasers of, solicited and obtained listings of, and negotiated the purchase and sale of real property consisting of timeshare interests in expectation of compensation under Section 10131(a) of the Business and Professions Code.

4. In approximately August 2011, PHP, acting by and through MATTHEW, AMY, TROY, MARY ANN, TROY JOHNSON and SHANNON, solicited Ross P. in order to negotiate the sale of his timeshare interest located in Mexico in exchange for a 5% commission without having first obtained a real estate broker license in violation of Sections 10130 and 10131(a). In addition, PHP, acting by and through MATTHEW, AMY, TROY, MARY ANN, TROY JOHNSON and SHANNON, wrongfully obtained approximately $7,500 from Ross P. by

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falsely representing to him that the funds were needed for taxes and transfer fees associated with the sale of his timeshare interest.

CONCLUSIONS OF LAW

5. Based upon the Findings of Fact contained in Paragraphs 1 through 4, PHP MATTHEW, AMY, TROY, MARY ANN, TROY JOHNSON and SHANNON 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 they were not licensed by the Department in any capacity for or in expectation of a compensation, thus violated Sections 10130 and 10131(a) of the Code.

DESIST AND REFRAIN ORDER

Now, therefore, PACIFIC HEIGHTS PROPERTY (and its employees, agents, official successors and assigns), MATTHEW DAVIS, AMY ERICKSON, TROY ERICKSON, MARY ANN FISHER, TROY JOHNSON and SHANNON SUMMERS ARE HEREBY ORDERED to immediately desist and refrain from 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.

DATED: 2/1/13

DEPARTMENT OF REAL ESTATE

By AWET P. KIDANE
Chief Deputy Commissioner

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-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: Pacific Heights Property
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