BUREAU OF REAL ESTATE
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FILED

AUG 16 2013

BUREAU OF REAL ESTATE

By: K. Contreras

BEFORE THE

BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

* * *

To: RAY EDWARD NEWBY.	NO. H-11570 SF ORDER TO DESIST AND REFRAIN (B & P Code Section 10086)

The Real Estate Commissioner ("the Commissioner") of the California Bureau of Real Estate ("the Bureau") caused an investigation to be made of the activities of RAY EDWARD NEWBY ("Respondent"). Based on that investigation, the Commissioner has determined that Respondent 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") 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 Sections 10130 (broker license requirement), 10131(a) (selling/buying real property) and 10131(b) (leasing/renting or offering to lease/rent real property) of the Code. Furthermore, based on the investigation, the Commissioner hereby issues the following Findings of Fact, Conclusions of Law, and Desist and Refrain Order under the authority of Section 10086 of the Code.

FINDINGS OF FACT

1. At no time during the period of time set out below has Respondent been licensed by the Bureau to conduct real estate activities in the State of California.

2. During the period of time set out below, Respondent performed activities requiring a real estate broker license and negotiated to do one or more of the following acts for another or others, for or in expectation of compensation: selling/buying real property and leasing/renting or offering to lease/rent real property.

3. On or about January 7, 2013, a Special Investigator from the Bureau's Oakland District Office contacted Respondent by e-mail regarding a craigslist advertisement by Respondent for the lease-purchase of the real property located at 2310 Woolner Avenue, Fairfield, California. On or about January 9, 2013, the Special Investigator contacted Respondent by telephone and was told by Respondent that Respondent was not the owner of the Woolner Avenue property, but was assisting the property's owner in selling or lease-purchasing the Woolner property.

4. On or about January 14, 2013, the Special Investigator, using an alias, contacted Respondent by telephone after finding a craigslist advertisement by Respondent for a lease-purchase of the real property located at 18109 North Meadow Drive, Pioneer, California. Respondent informed the Special Investigator that Respondent had been a real estate broker for several years and could assist an interested buyer with finding financing for the North Meadow Drive property. On or about January 14, 2013, the Special Investigator contacted Jennifer Wilson ("Wilson"), the licensed real estate listing agent for the North Meadow Drive property. According to Wilson, the North Meadow Drive property was for sale, but not for rent. Wilson also informed the Special Investigator that Respondent appeared to have copied her advertisement for the North Meadow Drive property in his own advertisement for the property.

5. On or about January 30, 2013, the Special Investigator discovered a listing on craigslist by Respondent for a lease-purchase of the real property located at 8294 Country

Lake Drive, Orangevale, California. The Special Investigator was told by the property owner, Vince D., that Respondent had approached him with a business plan to purchase or lease the Country Lake Drive property. Vince D. gave Respondent permission to advertise the property for lease-purchase or sale.

CONCLUSIONS OF LAW

6. Based on the Findings of Fact contained in Paragraphs 1 through 5 above, RAY EDWARD NEWBY, performed services requiring a real estate broker license and negotiated to do one or more of the following acts for another or others, for or in expectation of compensation: selling/buying real property and leasing/renting or offering to lease/rent real property.

DESIST AND REFRAIN ORDER

Based on the Findings of Fact and Conclusions of Law stated herein, RAY EDWARD NEWBY, whether doing business under your own name, or any other name or fictitious name, IS HEREBY ORDERED to immediately desist and refrain from performing any acts within the State of California that require a real estate broker license unless and until you are properly licensed by the Department as a real estate broker.

DATED: 7/13/2013

Real Estate Commissioner

Wayne S. Bell

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: Ray Edward Newby
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