FILED

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September 23, 2013

BUREAU OF REAL ESTATE

By _____

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

* * *

To:	
BRAD LYLE DUNCAN and OSCAR MANUEL RODRIGUEZ-LOPEZ	NO. H-11586 SF
	ORDER TO DESIST AND REFRAIN (B & P Code Section 10086)

The Real Estate Commissioner of the State of California (Commissioner) has caused an investigation to be made of the activities of BRAD LYLE DUNCAN (DUNCAN) and OSCAR MANUEL RODRIGUEZ-LOPEZ (RODRIGUEZ-LOPEZ), including engaging in the business of, acting in the capacity of, advertising, or assuming to act as a real estate broker in the State of California within the meaning of Section 10131(b) of the California Business and Professions Code (the Code). Based upon the findings of that investigation, as set forth below, the Commissioner has determined and is of the opinion that:

DUNCAN has violated Section 10137 of the Code by employing and/or compensating one or more unlicensed persons to act in the capacity of a real estate broker or salesperson. RODRIGUEZ-LOPEZ has violated Section 10130 of the Code by engaging in the business of or acting as a real estate salesperson or broker, within the meaning of Section 10131(b) (real property management) of the Code without first having obtained a real estate license from the California Bureau of Real Estate (Bureau). Whenever acts referred to below are

attributed to DUNCAN, those acts are alleged to have been done by DUNCAN, acting by himself, or by and/or through one or more agents, associates, and/or co-conspirators, and using other names or fictitious names unknown at this time (the related entities).

FINDINGS OF FACT

1. At all times mentioned herein, DUNCAN has been licensed by the Department as a real estate broker.

2. At no time mentioned herein was RODRIGUEZ-LOPEZ licensed by the Department real estate salesperson or real estate broker.

3 At all times mentioned herein, from on or about October 14, 2011, and continuing up to at least August 31, 2013, RODRIGUEZ-LOPEZ engaged in the business of, acted in the capacity of, or assumed to act as a real estate broker within the State of California within the meaning of Section 10131(b) of the Code, including leasing or renting or offering to lease or rent, or places for rent, or soliciting listings of places for rent, or soliciting prospective tenant, or negotiating the sale, purchase or exchange of leases on real property, or on a business opportunity, or collecting rents from real property or improvement thereon, or from business opportunities, including but not limited to that certain real property commonly known as 963 Santa Cruz Way and 1076 Civic Center Drive, Rohnert Park, California.

4. From approximately October, 2011, through at least August 31, 2013, DUNCAN employed and/or compensated RODRIGUEZ-LOPEZ for performing the acts set out above which require a real estate license pursuant to Section 10131(b) of the Code (property management activities).

CONCLUSIONS OF LAW

1. Based on the Findings of Fact contained in Paragraphs 1 through 4, above, RODRIGUEZ-LOPEZ performed and/or participated in property management activities which require a real estate license under Section 10131(b) of the Code during a period of time when RODRIGUEZ-LOPEZ was not licensed by the Department in any capacity, in violation of Section 10130 of the Code.

2. Based on the Findings of Fact contained in Paragraphs 1 through 4, above, DUNCAN employed and/or compensated RODRIGUEZ-LOPEZ to act in the capacity of a real estate broker or salesperson in violation of Section 10137 of the Code.

DESIST AND REFRAIN ORDER

Now, therefore, OSCAR MANUAL RODRIGUEZ-LOPEZ IS 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 he obtains a real estate salesperson or broker license.

Now, therefore, BRAD LYLE DUNCAN IS HEREBY ORDERED to immediately Desist and Refrain from:

1. Employing and/or compensating any person for performing any acts which require a real estate license within the State of California unless and until that person has obtained from the Bureau a real estate salesperson or real estate broker license.

DATED: SEPTEMBER 9, 2013

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 ($60,000), 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)..."