Department of Real Estate
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FILED

JUN 28 2012

DEPARTMENT OF REAL ESTATE
BY: Guadalupe Valencia

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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To:	No. H-38224 LA
NERY LORRAINE TRANA, Jr., aka Nery Tran, dba Superior Professional Services.	ORDER TO DESIST AND REFRAIN

The Commissioner ("Commissioner") of the California Department of Real Estate ("Department") caused an investigation to be made of the activities of NERY LORRAINE TRANA Jr., aka Nery Tran, dba Superior Professional Services. Based on that investigation, the Commissioner has determined that NERY LORRAINE TRANA Jr., aka Nery Tran, dba Superior Professional Services, 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 engaging in the business of supplying prospective tenants with listings of residential real properties for tenancy for a fee in the State of California within the meaning of Code Section 10167.2 when not properly licensed as a prepaid rental listing service or as a real estate broker. Based on the findings of that investigation, as set forth below, the Commissioner hereby issues the following Findings of Fact and Desist and Refrain Order pursuant to Code Section 10086.

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FINDINGS OF FACT

1. NERY LORRAINE TRANA Jr., aka Nery Tran, dba Superior Professional Services ("TRANA") is not currently and has never been licensed by the Department as a real estate broker, or as a salesperson, and is not otherwise licensed to provide prepaid rental listing services ("PRLS") to the public for a fee.

2. Beginning on or before June 25, 2010, and continuing to the present time, TRANA has owned and operated a Prepaid Rental Listing service named Superior Professional Services, located at 280 S. Robles Ave, #C, Pasadena, CA 91101.

3. Whenever acts referred to below are attributed to TRANA or Superior Professional Services, those acts include acts performed by TRANA through one or more agents, associates, affiliates, and/or co-conspirators using the name Superior Professional Services.

Unlicensed Prepaid Rental Listing Service Activity

4. Beginning on or before June 25, 2010, and continuing through the present time, TRANA, doing business as Superior Professional Services, advertised and solicited tenants through Penny Saver newspaper and other print and electronic media, offering to provide assistance to prospective tenants in locating suitable rental properties in exchange for a fee. TRANA charged prospective tenants advance fees of between $200 for providing assistance locating suitable rental properties. The advance fees were collected pursuant to provisions of a contract between the prospective tenants and Superior Professional Services in exchange for a listings of available real properties for tenancy. TRANA failed to provide the prospective tenants with assistance locating a suitable real property for tenancy and refused requests for refunds.

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5. Prospective tenants who paid TRANA, as Superior Professional Services, for rental services included, but were not necessarily limited to the following: Sandy A., Claudia L., Sheila L., Jasmine C., Stephanie R., Manuel R., and Sylvia C.

CONCLUSIONS OF LAW

1. The supplying of prospective tenants with listings of residential real properties for tenancy for a fee in advance of or contemporaneously with the supplying of the listings is an act for which a Prepaid Rental Listing Service license or real estate broker license is required, as set forth in Code Section 10167.2.

2. Based on the information contained in Findings 1 through 5, above, TRANA performed and/or participated in prepaid rental listing services which require a prepaid rental listing service license or real estate broker license during a period of time when none of them were licensed by the Department as a real estate broker or prepaid rental listing service, in violation of Section Code 10167.2.

DESIST AND REFRAIN ORDER

Based on the Findings of Fact and Conclusions of Law stated herein:

IT IS HEREBY ORDERED that NERY LORRAINE TRANA, Jr., whether doing business under her own name, or any other names, or any fictitious name, immediately desist and refrain from engaging in business as a prepaid rental listing service, individually and under any fictitious business name, unless and until she obtains the required license from the Department, and are in compliance with Business and Professions Code Section 10167.2.

DATED: 4/22, 2012.

REAL ESTATE COMMISSIONER

By WAYNE S. BELL
Chief Counsel

cc: Nery Lorraine Trana, Jr.
dba Superior Professional Services
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