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Department of Real Estate
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FILED

JUL 27 2012

DEPARTMENT OF REAL ESTATE
BY: _____

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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To: JASON JOSE RODRIGUEZ, doing business as International Home Rentals.	No. H-38310 LA ORDER TO DESIST AND REFRAIN (B&P Code Section 10086)

The Commissioner ("Commissioner") of the California Department of Real Estate ("Department") caused an investigation to be made of the activities of JASON JOSE RODRIGUEZ, doing business as International Home Rentals. Based on that investigation, the Commissioner has determined that JASON JOSE RODRIGUEZ, doing business as International Home Rentals, has engaged in or is engaging in acts or practices constituting violations of the California Business and Professions Code ("Code") including Section 10167.9(c) (unapproved use of a modification or addendum to a prepaid rental listing contract) and 10167.10 (refusal to refund advance fees paid). 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. JASON JOSE RODRIGUEZ is currently licensed by the Department as a prepaid rental listing service ("PRLS"). Said license entitled JASON JOSE RODRIGUEZ to conduct business under the fictitious name International Home Rentals. During the times set forth herein below, JASON JOSE RODRIGUEZ operated a PRLS.

2. Whenever acts referred to below are attributed to International Home Rentals, those acts are alleged to have been done by JASON JOSE RODRIGUEZ, acting by himself, or by and/or through one or more agents, associates, affiliates, and/or co-conspirators and using the names International Home Rentals, or any fictitious name unknown at this time.

3. On or about July 7, 2011, JASON JOSE RODRIGUEZ submitted a proposed PRLS contract, entitled "International Home Rentals" to the Department for approval, pursuant to his application for a PRLS license. The subject contract was approved for PRLS use by the Department, at which time JASON JOSE RODRIGUEZ was notified of the rules governing said contract's use.

4. Code Section 10167.9(c) states in pertinent part, "Any modification of a form previously filed with the [department] ... shall also be filed prior to use."

5. International Home Rentals provided prospective tenants with a PRLS contract entitled "International Home Rentals" that had not been approved for PRLS use by the Department. International Home Rentals induced prospective tenants to sign an addendum to the "International Home Rentals" contract entitled, "90 days limited refund guarantee policy." Said addendum contained clause that modified the terms in the "International Home Rentals" contract, and was not submitted to the Department for approval for PRLS use. These documents, taken as a whole, constitute the entire agreement that was presented to prospective tenants by International Home Rentals. Said prospective tenants include, but are not limited to Patricia D, Eloisa B and Josefina R.

6. Code Section 10167.10 requires licensees to refund the fee paid in full (10167.10(a)) or any fee paid over and above the sum of a fifty ($50) service charge (10167.10(b)) to prospective tenants under certain terms and conditions.

7. Several prospective tenants, including those mentioned in Paragraph 5 above, requested refunds of their advance fees paid after International Home Rentals failed to provide them with listings of properties that were confirmed available for tenancy and/or the prospective tenants obtain rentals other than through the services of International Home Rentals. International Home Rentals refused to refund any portion of the advance fees paid by the prospective tenants.

CONCLUSIONS OF LAW

8. Based on the information contained in Paragraphs 1 through 7, above, JASON JOSE RODRIGUEZ, dba International Home Rentals, violated of Code Sections 10167.9(c) (unapproved use of a modification or addendum to a prepaid rental listing contract) and 10167.10 (refusal to refund advance fees paid).

DESIST AND REFRAIN ORDER

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

1. IT IS HEREBY ORDERED that JASON JOSE RODRIGUEZ, whether doing business under his own name, International Home Rentals or any other fictitious name:

(i) Immediately desist and refrain from engaging in business as a prepaid rental listing service, individually and under any fictitious business name, unless and until you are in compliance with Business and Professions Code Sections 10167.9(c) and 10167.10.

DATED: 7/27, 2012.

Real Estate Commissioner

By WAYNE S. BELL
Chief Counsel

Notice: Business and Professions Code Section 10167.10(e) provides that "If the licensee fails to make a refund as provided in this section and if the denial or delay in making the refund is

found to have been done in bad faith, a court of appropriate jurisdiction, including a small claims court, shall be empowered to award damages to the plaintiff in an amount not to exceed one thousand dollars ($1,000) in addition to actual damages sustained by the plaintiff. If the licensee refuses or is unable to pay the damages awarded by the court, the award may be satisfied out of the security required under Section 10167.7."

cc: Jason Jose Rodriguez dba International Home Rentals
9251 Garvey Ave. Unit K
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