

**FILED**

1 Department of Real Estate  
2 320 West 4th Street, Suite 350  
3 Los Angeles, California 90013-1105

DEC - 3 2012

4 Telephone: (213) 576-6982

DEPARTMENT OF REAL ESTATE

BY: Jana B. Olson

9 BEFORE THE DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 \* \* \*

12 To:	)	NO. H-38580 LA
	)	
13 MOISES ELLIAS DIAZ, SR., and	)	<u>ORDER TO DESIST</u>
14 FIDELINA IVON FLORES,	)	<u>AND REFRAIN</u>
15 Doing business as Todays Rentals,	)	
16 dba 1 Todays Rentals, and dba Todays Rental.	)	(B&P Code Section 10086)
	)	
	)	

17 The Real Estate Commissioner of the State of California ("Commissioner") has  
18 caused an investigation to be made of the activities of MOISES ELLIAS DIAZ, SR., and  
19 FIDELINA IVON FLORES, doing business as Todays Rentals, dba 1 Todays Rentals, and dba  
20 Todays Rental. Based on that investigation, the Commissioner has determined that MOISES  
21 ELLIAS DIAZ, SR., and FIDELINA IVON FLORES, doing business as Todays Rentals, dba 1  
22 Todays Rentals, and dba Todays Rental, have engaged in, are engaging in, or are attempting to  
23 engage in, acts or practices constituting violations of the California Business and Professions  
24 Code ("Code"). Based on that investigation, the Commissioner has determined from the  
25 findings set forth below that you, MOISES ELLIAS DIAZ, SR., and FIDELINA IVON  
26 FLORES, doing business as Todays Rentals, dba 1 Todays Rentals, and dba Todays Rental,

1 have violated Section 10167.2 of the Business and Professions Code ("Code").

2 FINDINGS OF FACT

3 1. MOISES ELLIAS DIAZ, Sr. (herein referred to as "DIAZ"), individually or  
4 doing business under any fictitious business name, is not now and has never been licensed by  
5 the Department of Real Estate of the State of California ("Department") as a real estate broker  
6 or as a prepaid rental listing service ("PRLS") as said term is defined in Code Section 10167(a).

7  
8 2. FIDELINA IVON FLORES (herein referred to as "FLORES"), individually  
9 or doing business under any fictitious business name, is not now and has never been licensed  
10 by the Department as a real estate broker or as a PRLS.

11 3. Todays Rentals, 1 Todays Rentals, and Todays Rental ("Todays Rentals"),  
12 are fictitious business names for a PRLS doing business at offices located at 9900 Lakewood  
13 Blvd., Suite Numbers 106 and 202, Downey, CA 90240. Today's Rentals is not licensed by the  
14 Department in any capacity, as a PRLS or as a fictitious business name licensed for use by a  
15 real estate broker.

16  
17 4. On or about January 31, 2011, DIAZ filed a Fictitious Business Name  
18 Statement (FBN) with the Los Angeles County Clerk indicating that as of that date, he was  
19 doing business as 1 Todays Rentals, with a principal place of business located at 9900  
20 Lakewood Blvd., Downey, CA 90240.

21 5. During a period of time beginning on or after January 31, 2011, and  
22 continuing to the present, DIAZ and FLORES, doing business as Todays Rentals, supplied  
23 prospective tenants with listings of residential real property for tenancy (by publication or  
24 otherwise), pursuant to an arrangement under which the prospective tenants were required to  
25 pay a fee in advance of, or contemporaneously with, the supplying of the listings.

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Maria H.

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2 6. On or about March 6, 2012, Maria H. saw an advertisement in a newspaper  
3 about a small house for rent for \$650. She contacted someone who identified herself as  
4 "Sandra" at the number listed in the advertisement, and was directed to come to the offices of  
5 Todays Rentals located at 9900 Lakewood Blvd., #202, in Downey, CA 90240. Maria H.  
6 signed a contract with Todays Rentals pursuant to which Todays Rentals promised to provide  
7 Maria H. with listings of vacant rental properties in exchange for payment of an upfront fee.  
8 The written agreement represented, among other things, that Todays Rentals was and is  
9 licensed by the Department as a PRLS, when in fact it was and is not.  
10

11 7. Maria H. paid \$160.00 and was provided with a list of rentals that were not in  
12 fact available. She returned to Todays Rentals' offices to demand a refund, which she never  
13 received.

14 8. Maria H. obtained a business card for Todays Rentals, which listed FLORES  
15 as the manager.  
16

Marco O.

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18 9. On or about June 21, 2012, Marco O. responded to an advertisement in a  
19 newspaper for a small house for rent. He was directed to the offices of Todays Rentals.  
20 On June 21, 2012, Marco O. signed an agreement with Todays Rentals pursuant to which they  
21 would provide him with listings of vacant rental properties in exchange for payment of an  
22 upfront fee. Marco O. paid Todays Rentals \$150.00. Todays Rentals provided Marco O. with  
23 a list of rentals that were not suitable for his needs. They refused to refund his money.  
24

25 10. The agreement with Todays Rentals that Marco O. signed falsely  
26 represented that Todays Rentals was licensed by the Department.  
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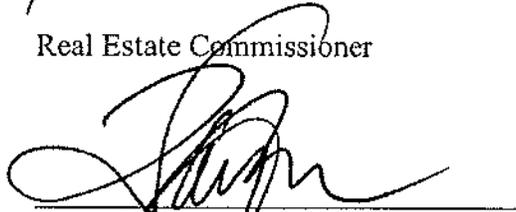
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1 11. The supplying of prospective tenants with listings of residential real  
2 properties for tenancy, for a fee in advance of or contemporaneously with the supplying of the  
3 listings, is an act for which a PRLS license or real estate broker license is required, as set forth  
4 in Code Section 10167.2.

5 NOW, THEREFORE, YOU, MOISES ELLIAS DIAZ, SR. and YOU,  
6 FIDELINA IVON FLORES, individually and doing business as Todays Rentals, dba 1 Todays  
7 Rentals, and dba Todays Rental, or as any other fictitious business name, ARE ORDERED TO  
8 DESIST AND REFRAIN from engaging in business as a prepaid rental listing service,  
9 individually and under any fictitious business name, unless and until you are in compliance  
10 with Division 4, Part 1, Chapter 3, Article 2.3 of the Code.

11  
12 DATED: 10/22/2012

13  
14 Real Estate Commissioner

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17 By WAYNE S. BELL  
18 Chief Counsel

19 cc: Moises Ellias Diaz Sr.  
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