

1 Bureau of Real Estate
320 West Fourth Street, Ste. 350
2 Los Angeles, California 90013

3 Telephone: (213) 576-6982

FILED

NOV 15 2013

BUREAU OF REAL ESTATE

By John Ceguit

8 BUREAU OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * * *

11 To:)	No. H-39151 LA
)	
12 EXCLUSIVE HOME RENTALS and)	<u>ORDER TO DESIST</u>
13 MARTHA ALICIA REYES.)	<u>AND REFRAIN</u>
)	(B&P Code Section 10086)
)	

15 The Commissioner ("Commissioner") of the California Bureau of Real Estate
16 ("Bureau") caused an investigation to be made of the activities of EXCLUSIVE HOME
17 RENTALS and MARTHA ALICIA REYES ("REYES") and has determined that each of them
18 engaged in or is engaging in acts or practices constituting violations of the California Business
19 and Professions Code ("Code") and/or Title 10, California Code of Regulations ("Regulations")
20 including engaging in the business of a prepaid rental listing service ("PRLS") in the State of
21 California within the meaning of Code Section 10167.2 (unlawful to engage in prepaid rental
22 listing service unless licensed in that capacity or a real estate broker). Based on the findings of
23 that investigation, as set forth below, the Commissioner hereby issues the following Findings of
24 Fact and Desist and Refrain Order pursuant to Code Section 10086.

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FINDINGS OF FACT

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2 1. Whenever acts referred to below are attributed to EXCLUSIVE HOME
3 RENTALS, those acts are alleged to have been done by EXCLUSIVE HOME RENTALS, acting
4 by itself, or by and/or through one or more agents, associates, affiliates, and/or co-conspirators
5 including, but not limited to, REYES and using the names EXCLUSIVE HOME RENTALS, or
6 any fictitious name unknown at this time.

7 2. At no time herein mentioned have EXCLUSIVE HOME RENTALS or
8 REYES been licensed by the Bureau in any capacity.

9 3. On January 25, 2013, REYES filed, or caused to be filed, a fictitious business
10 name statement for EXCLUSIVE HOME RENTALS with the Los Angeles County Registrar-
11 Recorder/Clerk's office. REYES is the registered owner of EXCLUSIVE HOME RENTALS.
12 The principal place of business for EXCLUSIVE HOME RENTALS is 9126 ½ Valley Blvd.,
13 Rosemead, California 91770. The date EXCLUSIVE HOME RENTALS listed as having started
14 business is January 23, 2013.

15 4. From March 1, 2013 through July 31, 2013, EXCLUSIVE HOME RENTALS
16 has supplied approximately over 200 prospective tenants with listings of residential real property
17 for tenancy (by publication or otherwise), pursuant to an arrangement under which the
18 prospective tenants were required to pay a fee in advance of, or contemporaneously with, the
19 supplying of the listings. Said prospective tenants included, among several others, Luz G.,
20 Allegra G., and Ana C.

21 5. On or about March 7, 2013, Luz G. paid an advance fee of \$190 to
22 EXCLUSIVE HOME RENTALS for a listing of residential real properties for tenancy. The fee
23 charged was collected pursuant to provisions of a contract between Luz G. and EXCLUSIVE
24 HOME RENTALS in exchange for EXCLUSIVE HOME RENTALS' listing of available real
25 properties for tenancy for Luz G.

26 6. On or about March 18, 2013, Allegra G. paid an advance fee of \$190 to
27 EXCLUSIVE HOME RENTALS for a listing of residential real properties for tenancy. The fee

1 charged was collected pursuant to provisions of a contract between Allegra G. and EXCLUSIVE
2 HOME RENTALS in exchange for EXCLUSIVE HOME RENTALS' listing of available real
3 properties for tenancy for Allegra G.

4 7. On or about March 28, 2013, Ana C. paid an advance fee of \$190 to
5 EXCLUSIVE HOME RENTALS for a listing of residential real properties for tenancy. The fee
6 charged was collected pursuant to provisions of a contract between Ana C. and EXCLUSIVE
7 HOME RENTALS in exchange for EXCLUSIVE HOME RENTALS' listing of available real
8 properties for tenancy for Ana C.

9 8. On July 2, 2013, a Bureau special investigator travelled to EXCLUSIVE
10 HOME RENTAL's principal place of business. The special investigator claimed to be a
11 prospective tenant and inquired if EXCLUSIVE HOME RENTALS was still offering PRLS
12 services. Two employees acting on behalf of EXCLUSIVE HOME RENTALS offered PRLS
13 services to the special investigator and charged an upfront, partially non-refundable fee for said
14 services.

15 9. EXCLUSIVE HOME RENTALS is using and/or has been using a PRLS
16 contract that fails to meet the contract requirements set forth in Code Sections 10167.9 and
17 10167.10, subdivision (c).

18 10. EXCLUSIVE HOME RENTALS failed to provide prospective tenants with a
19 listing of suitable real properties for tenancy in violation of Code section 10167.11.

20 11. EXCLUSIVE HOME RENTALS failed to refund any amount of the fees paid
21 by prospective tenants in violation of Code section 10167.10.

22 CONCLUSIONS OF LAW

23 1. The supplying of prospective tenants with listings of residential real
24 properties for tenancy, for a fee in advance of or contemporaneously with the supplying of the
25 listings, is an act for which a Prepaid Rental Listing Service license is required as set forth in
26 Code Section 10167.2 (unlawful to engage in prepaid rental listing service unless licensed in
27 that capacity or a real estate broker).

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20 including engaging in the business of a prepaid rental listing service ("PRLS") in the State of
21 California within the meaning of Code Section 10167.2 (unlawful to engage in prepaid rental
22 listing service unless licensed in that capacity or a real estate broker). Based on the findings of
23 that investigation, as set forth below, the Commissioner hereby issues the following Findings of
24 Fact and Desist and Refrain Order pursuant to Code Section 10086.

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1 FINDINGS OF FACT

2 1. Whenever acts referred to below are attributed to EXCLUSIVE HOME
3 RENTALS, those acts are alleged to have been done by EXCLUSIVE HOME RENTALS, acting
4 by itself, or by and/or through one or more agents, associates, affiliates, and/or co-conspirators
5 including, but not limited to, REYES and using the names EXCLUSIVE HOME RENTALS, or
6 any fictitious name unknown at this time.

7 2. At no time herein mentioned have EXCLUSIVE HOME RENTALS or
8 REYES been licensed by the Bureau in any capacity.

9 3. On January 25, 2013, REYES filed, or caused to be filed, a fictitious business
10 name statement for EXCLUSIVE HOME RENTALS with the Los Angeles County Registrar-
11 Recorder/Clerk's office. REYES is the registered owner of EXCLUSIVE HOME RENTALS.
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13 Rosemead, California 91770. The date EXCLUSIVE HOME RENTALS listed as having started
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18 prospective tenants were required to pay a fee in advance of, or contemporaneously with, the
19 supplying of the listings. Said prospective tenants included, among several others, Luz G.,
20 Allegra G., and Ana C.

21 5. On or about March 7, 2013, Luz G. paid an advance fee of \$190 to
22 EXCLUSIVE HOME RENTALS for a listing of residential real properties for tenancy. The fee
23 charged was collected pursuant to provisions of a contract between Luz G. and EXCLUSIVE
24 HOME RENTALS in exchange for EXCLUSIVE HOME RENTALS' listing of available real
25 properties for tenancy for Luz G.

26 6. On or about March 18, 2013, Allegra G. paid an advance fee of \$190 to
27 EXCLUSIVE HOME RENTALS for a listing of residential real properties for tenancy. The fee

1 charged was collected pursuant to provisions of a contract between Allegra G. and EXCLUSIVE
2 HOME RENTALS in exchange for EXCLUSIVE HOME RENTALS' listing of available real
3 properties for tenancy for Allegra G.

4 7. On or about March 28, 2013, Ana C. paid an advance fee of \$190 to
5 EXCLUSIVE HOME RENTALS for a listing of residential real properties for tenancy. The fee
6 charged was collected pursuant to provisions of a contract between Ana C. and EXCLUSIVE
7 HOME RENTALS in exchange for EXCLUSIVE HOME RENTALS' listing of available real
8 properties for tenancy for Ana C.

9 8. On July 2, 2013, a Bureau special investigator travelled to EXCLUSIVE
10 HOME RENTAL's principal place of business. The special investigator claimed to be a
11 prospective tenant and inquired if EXCLUSIVE HOME RENTALS was still offering PRLS
12 services. Two employees acting on behalf of EXCLUSIVE HOME RENTALS offered PRLS
13 services to the special investigator and charged an upfront, partially non-refundable fee for said
14 services.

15 9. EXCLUSIVE HOME RENTALS is using and/or has been using a PRLS
16 contract that fails to meet the contract requirements set forth in Code Sections 10167.9 and
17 10167.10, subdivision (c).

18 10. EXCLUSIVE HOME RENTALS failed to provide prospective tenants with a
19 listing of suitable real properties for tenancy in violation of Code section 10167.11.

20 11. EXCLUSIVE HOME RENTALS failed to refund any amount of the fees paid
21 by prospective tenants in violation of Code section 10167.10.

22 CONCLUSIONS OF LAW

23 1. The supplying of prospective tenants with listings of residential real
24 properties for tenancy, for a fee in advance of or contemporaneously with the supplying of the
25 listings, is an act for which a Prepaid Rental Listing Service license is required as set forth in
26 Code Section 10167.2 (unlawful to engage in prepaid rental listing service unless licensed in
27 that capacity or a real estate broker).

