Bureau of Real Estate
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FILED

NOV 12 2014

BUREAU OF REAL ESTATE

By

BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

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To:	)	No. H-39651 LA
OLGA MENDOZA and VICKI NIEMI	)	ORDER TO DESIST AND REFRAIN (B&P Code Section 10086)

The Commissioner ("Commissioner") of the California Bureau of Real Estate ("Bureau") caused an investigation to be made of the activities of OLGA MENDOZA ("MENDOZA") and VICKI NIEMI ("NIEMI"), and has determined that each has engaged in or is engaging in acts or practices constituting violations of the California Business and Professions Code ("Code") including engaging in the business of, acting in the capacity of, advertising, or assuming to act, as real estate broker in the State of California within the meaning of Code Section 10131(b) (leasing or renting or offering to lease or to rent or soliciting for prospective tenants or collecting rents from real property or improvements thereon). 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 Section 10086 of the Code.

FINDINGS OF FACT

1. At no time herein mentioned have MENDOZA or NIEMI been licensed by the Bureau in any capacity.

2. From a date unknown to the present time MENDOZA and NIEMI engaged in the business of and/or acted in the capacity of property managers, offering to perform and performing the leasing or renting of real property, soliciting for prospective real property tenants, and offering to perform and performing the collection of rents and security deposits for real property on behalf of others for compensation or in expectation of compensation.

3. Among those real properties managed by MENDOZA and/or NIEMI on behalf of the properties' owner is the multi-unit residential real property located at 1300 Larrabee Street, West Hollywood, California (the "Larrabee Property"), and the multi-unit residential real property located at 7626 Lexington Avenue, West Hollywood, California (the "Lexington Property").

4. On or about June 29, 2012, Alexis S. met with MENDOZA for the purpose of entering into a lease agreement for the lease of the Larrabee Property. MENDOZA provided Alexis S. with documents entitled "Apartment Lease" and "Addendum to Lease Agreement" for Alexis S. to sign. MENDOZA herself executed the same documents as well as a document entitled "Unit Re-Registration after Vacancy" describing the capacity in which she signed the documents as "Agent," "Lessor" and "Property Manager." MENDOZA further collected checks

from Alexis S. for the first month's rent and the security deposit for the Larrabee Property. The checks were made payable to EZ Properties, the fictitious business name used by the owner of the Larrabee Property. Thereafter, when Alexis S. vacated the Larrabee Property NIEMI provided Alexis S. with an accounting for the use of her security deposit and signed the refund check for the balance of the security deposit paid by Alexis S.

5. On or about November 27, 2013, the Lexington Property was advertised for lease or rent on the internet at the website of the Lexington Property's owner and on a website called "westsiderentals.com." Telephone inquiries made concerning the availability of the Lexington Property for rent were responded to by MENDOZA who advised prospective tenants that she would show the property and, further, would execute a lease agreement on behalf of the owner of the Lexington Property in the event the prospective tenant's application to rent the Lexington Property was accepted.

CONCLUSIONS OF LAW

6. Based on the information contained in Paragraphs 1 through 5, inclusive, above, MENDOZA and NIEMI performed and/or participated in real property management activities, including renting or offering to rent real property and collecting and refunding rental and security deposit payments thereon, activities requiring a real estate broker license under the provisions of Code Section 10131(b), during a period of time when neither MENDOZA nor NIEMI were licensed by the Bureau as a real estate broker, nor employed as a real estate salesperson by a broker on whose behalf the activities were performed, all in violation of Section 10130 of the Code.

DESIST AND REFRAIN ORDER

Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW stated herein, it is hereby ordered that OLGA MENDOZA and VICKI NIEMI ARE HEREBY ORDERED to immediately desist and refrain from performing any acts within the State of California for which a real estate broker license is required.

DATED: NOV 06 2014

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 ($20,000), 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)."

cc: Olga Mendoza
Vicki Niemi