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FILED

DEC 08 2015

BUREAU OF REAL ESTATE

By 

BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

To:

No. H-40053 LA

FIVE STAR HOUSING;)
HENRIETTA BINFORD; and)
ROBERT BAILEY)
_____)

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 FIVE STAR HOUSING ("FIVE STAR"); HENRIETTA BINFORD ("BINFORD"), individually, and doing business as FIVE STAR; and ROBERT BAILEY ("BAILEY"), individually, and doing business as FIVE STAR; and has determined that each has engaged in or are 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 a prepaid rental listing service ("PRLS") (Code Section 10167 et seq.) in the State of California without a PRLS or a broker license. 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

1 pursuant to Code Section 10086.

2 FINDINGS OF FACT

3 1. At no time mentioned herein has FIVE STAR; BINFORD, individually, and
4 doing business as FIVE STAR; or BAILEY, individually, and doing business as FIVE STAR,
5 been licensed by the Bureau in any capacity.

6 2. Whenever acts referred to below are attributed to FIVE STAR, BINFORD and
7 BAILEY those acts are alleged to have been done by each person named herein, acting alone, or
8 by and/or through one or more agents, associates, affiliates, and/or co-conspirators, including but
9 not limited to each of those named herein, and using a fictitious name(s) unknown at this time.

10 3. At all times mentioned herein the persons named herein engaged in a PRLS
11 business by supplying, or offering to supply, prospective tenants with listings of residential real
12 properties for tenancy, by publication or otherwise, pursuant to an arrangement under which the
13 prospective tenants are required to pay an advance or contemporaneous fee, including but not
14 limited to the occasion described in Paragraph 4, below.

15 4. On or about August 7, 2014, Susan H. entered into an agreement with FIVE
16 STAR, BINFORD and BAILEY by which Susan H. was to be referred to a landlord offering
17 permanent housing in exchange for the payment of an advance fee of \$150 to FIVE STAR,
18 BINFORD and/or BAILEY. On or about August 7, 2014, Susan H. paid a fee of \$150 to FIVE
19 STAR, BINFORD and BAILEY pursuant to the foregoing agreement. Thereafter, Susan H.
20 made additional payments to FIVE STAR, BINFORD and/or BAILEY totaling \$1,895 to be
21 applied to the cost of the housing located at 12015 Freeman Avenue, No. D, Hawthorne,
22 California. Neither the promised housing nor a refund of the money she paid was ever provided
23 to Susan H.

24 CONCLUSIONS OF LAW

25 5. Based on the information contained in Paragraphs 3 and 4, above, FIVE
26 STAR, BINFORD and BAILEY performed and/or participated in the business of, acted in the

1 capacity of, or advertised a PRLS business within the meaning of Code Section 10167 et seq.
2 which requires a real estate broker license or a PRLS license under the provisions of Code
3 Section 10167.2 during a period of time when none of them was licensed by the Bureau as a real
4 estate broker or as a PRLS licensee, all of which is in violation of Code Section 10167.2(a).

5 DESIST AND REFRAIN ORDER

6 Based on the FINDINGS OF FACT and CONCLUSIONS OF LAW stated
7 herein, IT IS HEREBY ORDERED:

8 1. That FIVE STAR HOUSING, HENRIETTA BINFORD and ROBERT
9 BAILEY, whether doing business under their own names, or any other names, or any fictitious
10 name, immediately desist and refrain from performing any prepaid rental listing service
11 activities, as described in Code Section 10167 et seq., for which a real estate broker license or a
12 prepaid rental listing service license is required until such time as they obtain a broker or a
13 prepaid rental listing service license.

14
15 DATED: DECEMBER 1, 2015.

16
17 WAYNE S. BELL
18 REAL ESTATE COMMISSIONER

19 

20
21 By: JEFFREY MASON
22 Chief Deputy Commissioner

23 cc: Five Star Housing
24 Henrietta Binford
25 Robert Bailey