

1 Department of Real Estate
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FILED
OCT 26 2012

DEPARTMENT OF REAL ESTATE
By R. Mac

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 To:) NO. H-4421 SD
12)
13 BARBARA LEE MCMANUS.) ORDER TO DESIST AND REFRAIN
14) (B & P Code Section 10086)

15 The Real Estate Commissioner ("the Commissioner") of the California
16 Department of Real Estate ("the Department") caused an investigation to be made of the
17 activities of BARBARA LEE MCMANUS ("Respondent"). Based on that investigation, the
18 Commissioner has determined that Respondent has engaged in, is engaging in, or is attempting
19 to engage in, acts or practices constituting violation of Section 10137 (employment by and/or
20 acceptance of compensation from someone other than employing broker) of the California
21 Business and Professions Code ("Code"). Furthermore, based on the investigation, the
22 Commissioner hereby issues the following Findings of Fact, Conclusions of Law, and Desist
23 and Refrain Order under the authority of Section 10086 of the Code.

24 FINDINGS OF FACT

25 1. Respondent was and is licensed by the Department as a real estate
26 salesperson. However, at all times relevant herein, neither MFS/TA, INC., nor ROBERT
27 ALLEN KISLING was Respondent's employing real estate broker.

2. In or about the period of March 2009 through August 2009, Respondent conducted loan modification activities on behalf of MFS/TA, Inc., in at least four (4) real estate transactions. In exchange for those activities, Respondent was paid \$500.00 for each transaction by MFS/TA, Inc.

CONCLUSIONS OF LAW

3. Based on the Findings of Fact contained in Paragraphs 1 through 2, above, Respondent was employed by and accepted compensation from someone other than her employing broker for activities related to real estate transactions in violation of Section 10137 of the Code.

DESIST AND REFRAIN ORDER

Based on the Findings of Fact and Conclusions of Law stated herein,
BARBARA LEE MCMANUS, whether doing business under your own name, or any other
name or fictitious name, IS HEREBY ORDERED to immediately desist and refrain from
working in the employ of, or accepting compensation from, anyone other than your employing
broker for any activity related to real estate transactions in the State of California.

DATED:

REAL ESTATE COMMISSIONER

By WAYNE S. BELL
Chief Counsel

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

1 imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars
2 (\$60,000)....”
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5 cc: BARBARA LEE MCMANUS
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7 San Diego, CA 92103
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12 ATTY JWB/km
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