

MAR 11 2020

DEPARTMENT OF REAL ESTATE

By B. Nicholas

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of	)	
	)	No. H-12388 SF
ZEN, INC. and JOHN FRANK PERKINS,	)	
Respondents.	)	
_____	)	

DECISION

This Decision is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on January 21, 2020, and the Findings of Fact set forth herein, which are based on one or more of the following: (1) The express admissions of Respondents ZEN, INC. (ZEN) and JOHN FRANK PERKINS (PERKINS) (collectively Respondents); (2) affidavits; and (3) other evidence.

This Decision revokes one or more real estate licenses on the grounds of the violation of the Real Estate Law, Part 1 commencing with Section 10000 of the Business and Professions Code (Code) and/or the Regulations of the Real Estate Commissioner, Title 10, Chapter 6 of the California Code of Regulations (Regulations).

Pursuant to Government Code Section 11521, the California Department of Real Estate (Department) may order reconsideration of this Decision on petition of any party. The party seeking reconsideration shall set forth new facts, circumstances, and evidence, or errors in law or analysis, that show(s) grounds and good cause for the Commissioner to reconsider the Decision. If new evidence is presented, the party shall specifically identify the new evidence and explain why it was not previously presented. The Department's power to order reconsideration of this Decision shall expire 30 days after mailing of this Decision, or on the effective date of this Decision, whichever occurs first. The right to reinstatement of a revoked real estate license, or to the reduction of a penalty, is controlled by Section 11522 of the Government Code. A copy of Government Code Sections 11521 and 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of respondent.

## FINDINGS OF FACT

1.

On May 16, 2019, Robin S. Tanner made the Accusation in her official capacity as a Supervising Special Investigator of the Department. The Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified mail, return receipt requested, and regular mail to:

- Respondents' last known mailing address on file with the Department, 940 Stewart Drive, Suite 350, Sunnyvale, California, on May 20, 2019;
- ZEN care of Registered Agents Inc, 30 N. Gould, Suite R, Sheridan, Wyoming, on August 15, 2019;
- ZEN at P.O. Box 61091, Sunnyvale, California on August 15, 2019;
- PERKINS care of REX-Real Estate Exchange, 21550 Oxnard Street, Suite 100, Woodland Hills, California, on August 15, 2019 and November 7, 2019; and
- Respondents, 15345 Calle Sueno, Morgan Hill, California 95037 on January 29, 2020.

On January 21, 2020, no Notice of Defense having been received or filed herein within the time prescribed by Section 11506 of the Government Code, Respondents' default was entered herein.

2.

ZEN is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the Code as a real estate broker corporation.

3.

PERKINS is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the Code as a real estate broker. PERKINS real estate broker license expired on May 17, 2019. Pursuant to Code Section 10103, the Department retains jurisdiction.

At all times mentioned prior to November 1, 2018, PERKINS was licensed as the designated broker officer of ZEN. As said designated broker officer, PERKINS was responsible pursuant to Section 10159.2 of the Code for the supervision of the activities of the officers, agents, real estate licensees, and employees of ZEN for which a license is required.

4.

Attached as Exhibit "A" is a true and correct copy of the Accusation filed on May 20, 2019, which is incorporated herein as part of this Decision.

DETERMINATION OF ISSUES

5.

The allegations contained in the Accusation, incorporated herein by reference made in Paragraph 5, above, constitute cause for the suspension or revocation of all the licenses, license endorsements, and license rights of Respondents under the following sections of the Code and Regulations:

As to Paragraphs 11(a) and (b), under Section 10177(d) of the Code in conjunction with Section 10145 of the Code and Section 2832.1 of the Regulations;

As to Paragraph 11(c), under Section 10177(d) of the Code in conjunction with Section 10145 of the Code and Section 2832 of the Regulations;

As to Paragraph 11(d), under Section 10177(d) of the Code in conjunction with Section 10145 of the Code and Section 2834 of the Regulations; and

As to Paragraph 14, under Section 10177(d) of the Code in conjunction with Section 10159.5 of the Code and Section 2731 of the Regulations.

6.

The allegations contained in the Accusation, incorporated herein by reference made in Paragraph 5, above, constitute cause for the suspension or revocation of all the licenses, license endorsements, and license rights of PERKINS under Section 10177(h) of the Code.

7.

The standard of proof applied was clear and convincing evidence to a reasonable certainty.

ORDER

All licenses and licensing rights of Respondents ZEN, INC. and JOHN FRANK PERKINS under the provisions of Part I of Division 4 of the Business and Professions Code are revoked.

This Decision shall become effective at 12 o'clock noon on APR 01 2020.

DATED: 3/6/20.

SANDRA KNAU  
ACTING REAL ESTATE COMMISSIONER



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**FILED**

**MAR 04 2020**

DEPARTMENT OF REAL ESTATE  
By B. Nicholas

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

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11 In the Matter of the Accusation of )  
12 ZEN, INC. and JOHN FRANK PERKINS, )  
13 Respondents. )

No. H-12388 SF  
DEFAULT ORDER

14  
15 Respondents, ZEN, INC. and JOHN FRANK PERKINS, having failed to file a  
16 Notice of Defense within the time required by Section 11506 of the Government Code, are now in  
17 default. It is, therefore, ordered that a default be entered on the record in this matter.  
18

19  
20 IT IS SO ORDERED 3/3/20

21 SANDRA KNAU  
22 ACTING REAL ESTATE COMMISSIONER

23  
24 By:   
25 JEFFREY OBOYSKI  
26 Assistant Commissioner, Enforcement  
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