

**FILED**

MAR 06 2012

1 DEPARTMENT OF REAL ESTATE  
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3 Los Angeles, California 90013

4 (213) 576-6982

DEPARTMENT OF REAL ESTATE  
BY: Quadrone Hernandez

9 STATE OF CALIFORNIA

10 DEPARTMENT OF REAL ESTATE

11 To: )  
 12 ) NO. H-37943 LA  
 13 BOOKKEEPING & BUSINESS SERVICES, )  
 14 and RAQUEL GUZMAN. ) ORDER TO DESIST AND  
 15 ) REFRAIN  
 ) (B&P Code Section 10086)

16 The Commissioner (Commissioner) of the California Department of Real Estate  
 17 (Department) caused an investigation to be made of the activities of BOOKKEEPING &  
 18 BUSINESS SERVICES (BBS) and RAQUEL GUZMAN (GUZMAN). Based on that  
 19 investigation, the Commissioner has determined that BBS and GUZMAN have engaged in, are  
 20 engaging in, or are attempting to engage in, acts or practices constituting violations of the  
 21 California Business and Professions Code (Code), including the business of, acting in the  
 22 capacity of, and/or advertising or assuming to act as, real estate brokers in the State of California  
 23 within the meaning of Section 10131(b) (collecting rents from real property or improvements  
 24 thereon) of the Code. Furthermore, based on the investigation, the Commissioner hereby issues  
 25 the following Findings of Fact, Conclusions of Law, and Desist and Refrain Order under the  
 26 authority of Section 10086 of the Code.

1 Whenever acts referred to below are attributed to GUZMAN, those acts are alleged to  
2 have been done by GUZMAN, acting by herself, or by and/or through one or more agents,  
3 associates, affiliates, and/or co-conspirators, including, but not limited to BBS.

4 FINDINGS OF FACT

5 1. BBS is not now, and has never been, licensed by the Department in any capacity.  
6 On June 27, 2008, GUZMAN filed a Fictitious Business Name Statement with the Ventura  
7 County Clerk and Recorder, naming GUZMAN as the registrant for BBS.

8 2. GUZMAN is presently licensed by the Department as a real estate salesperson.  
9 GUZMAN is not now, nor has she ever been, licensed by the Department as a real estate broker.  
10 At the time of the violations described below, GUZMAN was licensed with the Department with  
11 Evans/Sipes Inc as her employing broker, who was not aware of the activities below.

12 Richard R. Property Management

13 3. On or about June 17, 2008, Richard R. received a form letter from GUZMAN  
14 and BBS, addressed "To All Owners". This letter stated that GUZMAN and BBS were  
15 assuming management of investment properties previously managed by another property  
16 management firm. GUZMAN and BBS subsequently collected rents from tenants on  
17 Richard R.'s rental property.

18 Audit Investigation

19 4. On November 30, 2011, the Department completed an audit investigation of  
20 the books and records of BBS and GUZMAN, covering a period fro January 1, 2009 to  
21 June 30, 2011. The audit revealed that GUZMAN collected rents for others, deposited  
22 those rents in her operating account and received compensation, independent of her  
23 employing broker.

24 CONCLUSIONS OF LAW

25 5. Based on the findings of fact contained in paragraphs 1 through 4, BBS and  
26 GUZMAN acting by themselves, or by and/or through one or more agents, associates, affiliates,  
27 and/or co-conspirators, collected rents from the real property of others, which acts require a real

1 estate broker license under Section 10131(b) of the Code, during a period of time when BBS and  
2 GUZMAN were not licensed by the Department as real estate brokers, in violation of Section  
3 10130 of the Code.

4 DESIST AND REFRAIN ORDER

5 Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW stated herein, it is  
6 hereby ordered that BOOKKEEPING & BUSINESS SERVICES and RAQUEL GUZMAN,  
7 whether doing business under their own names, or any other names, ARE HEREBY ORDERED  
8 to immediately desist and refrain from performing any acts within the State of California for  
9 which a real estate broker license is required.

10  
11 DATED: 2/28/12

12 BARBARA J. BIGBY  
13 Acting Real Estate Commissioner

14 By   
15

16 **Notice:** Business and Professions Code Section 10139 provides that "Any person acting as a  
17 real estate broker or real estate salesperson without a license or who advertises using words  
18 indicating that he or she is a real estate broker without being so licensed shall be guilty of a  
19 public offense punishable by a fine not exceeding twenty thousand dollars (\$20,000), or by  
20 imprisonment in the county jail for a term not to exceed six months, or by both fine and  
21 imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars  
22 (\$60,000)."

23  
24 cc: BOOKKEEPING & BUSINESS SERVICES  
25 RAQUEL GUZMAN  
26 1148 W. Cedar Street  
27 Oxnard, CA 93033