

FILED

OCT 10 2016

BUREAU OF REAL ESTATE

By 

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of)	CALBRE No. H-39995 LA
)	OAH No. 2015120186
WESTSIDE PROPERTIES, INC.,)	
<u>THOMAS JOHN BROOK,</u>)	
individually, and as designated officer of)	<u>As to Respondent THOMAS JOHN</u>
Westside Properties, Inc., and)	<u>BROOK only</u>
DOMINIC DARON NAIDOO,)	
)	
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 September 15, 2016, and the findings of fact set forth herein are based on one or more of the following: (1) Respondent THOMAS JOHN BROOK's ("Respondent BROOK") express admissions; (2) affidavits; and (3) other evidence.

Pursuant to Government Code section 11521, the Bureau of Real Estate ("Bureau") may order reconsideration of this Decision on petition of any party. The Bureau'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 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 September 28, 2015, Maria Suarez made the Accusation in her official capacity as a Supervising Special Investigator of the State of California. On October 20, 2015, the Accusation, Statement to Respondent, and Notice of Defense were mailed by regular mail and by certified mail, return receipt requested, to Respondent BROOK's last known mailing address.

2.

On November 2, 2015, Respondent filed a Notice of Defense. On December 17, 2015, a Notice of Hearing was mailed by regular mail to the address listed on Respondent BROOK's Notice of Defense, giving Respondent BROOK notice that a hearing was scheduled before the Los Angeles office of the Office of Administrative Hearings on September 14 and 15, 2016. Respondent BROOK failed to appear at the hearing on September 14, 2016.

3.

From February 1, 1985, through January 7, 2015, Respondent BROOK was licensed by the Bureau as a real estate broker, License ID 00670992. BROOK's license expired on January 7, 2015. Respondent has renewal rights pursuant to Code Section 10201. The Bureau retains jurisdiction pursuant to Code Section 10103.

4.

From March 30, 2012, through February 4, 2016, Respondent WESTSIDE PROPERTIES, INC. ("WPI") was licensed by the Bureau as a real estate corporation, License ID 01896245.

5.

From July 31, 2012 through January 16, 2015, Respondent WPI was licensed as a real estate corporation, acting by and through Respondent BROOK as its designated broker-officer. As the broker-officer designated by Respondent WPI pursuant to Section 10211 of the Code, BROOK was responsible for the supervision and control of the activities conducted by WPI's officers and employees on behalf of WPI, as necessary to secure full compliance with Real Estate Law as set forth in Code section 10159.2 and Regulation 2725. On January 16, 2015, the Bureau received notice that BROOK had resigned as an officer and designated broker-officer of WPI. As of January 17, 2015, Respondent WPI's real estate license has been in a "non-working status" and could not perform acts for which a real estate license was required.

6.

Attached as Exhibit "A" is a true and correct copy of the Accusation filed on October 19, 2015, which is incorporated herein as part of this Decision.

7.

The Bureau's enforcement costs were \$4,141.35 and investigation costs were \$1,566.40 for this matter.

DETERMINATION OF ISSUES

1.

The violations noted in the Bureau's Accusation (Exhibit A) Paragraphs 12 through 16 constitute cause for the suspension or revocation of the real estate license and license rights of Respondent BROOK under the provisions of Business and Professions Code ("Code") Sections 10165 and 10177(d) for violation of Code Section 10162.

2.

The violations noted in the Bureau's Accusation (Exhibit A) Paragraphs 19 and 20 constitute cause for the suspension or revocation of the real estate license and license rights of Respondent BROOK under the provisions of Code Section 10177(d) for violation of Regulation 2726 of the California Code of Regulations, Title 10, Chapter 6, Regulations of the Real Estate Commissioner ("Regulations").

3.

The violations noted in the Bureau's Accusation (Exhibit A) Paragraphs 22 through 23 constitute cause for the suspension or revocation of the real estate license and license rights of Respondent BROOK under the provisions of Code Sections 10177(h) and 10177(d) for violation of Code Section 10159.2 and Regulation 2725.

4.

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

ORDER

The license and license rights of Respondent THOMAS JOHN BROOK 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 **OCT 31 2016**.

DATED: 9/22/16.

WAYNE S. BELL
REAL ESTATE COMMISSIONER

By: 
DAN SANDRI, Assistant Commissioner

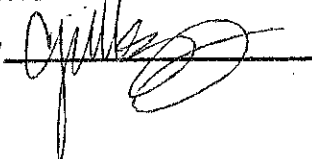
EXHIBIT A

FILED

OCT 19 2015

BUREAU OF REAL ESTATE

By



1 LISSETE GARCIA, Counsel (SBN 211552)
Bureau of Real Estate
2 320 West 4th Street, Suite 350
Los Angeles, California 90013-1105
3 Telephone: (213) 576-6982
Direct: (213) 576-6914
4 Fax: (213) 576-6917

5
6
7 BEFORE THE BUREAU OF REAL ESTATE
8 STATE OF CALIFORNIA

9 * * *

10 In the Matter of the Accusation of) CaIBRE No. H-39995 LA
11)
WESTSIDE PROPERTIES, INC. ,) ACCUSATION
12 THOMAS JOHN BROOK,)
individually and as former designated officer of)
13 Westside Properties, Inc., and)
DOMINIC DARON NAIDOO,)
14)
Respondents.)
15)

16
17 The Complainant, Maria Suarez, a Supervising Special Investigator of the State of
18 California, for cause of Accusation against WESTSIDE PROPERTIES, INC., THOMAS JOHN
19 BROOK, individually and as former designated officer of Westside Properties, Inc., and
20 DOMINIC DARON NAIDOO (collectively "Respondents"), is informed and alleges as follows:

21 1.

22 The Complainant, Maria Suarez, a Supervising Special Investigator of the State of
23 California, makes this Accusation in her official capacity.
24

1 2.

2 All references to the "Code" are to the California Business and Professions Code and all
3 references to "Regulations" are to the Regulations of the Real Estate Commissioner, Title 10,
4 Chapter 6, California Code of Regulations.

5 3.

6 Respondents are presently licensed and/or have license rights under the Real Estate Law
7 (Part 1 of Division 4 of the Code).

8 4.

9 From March 30, 2012, through the present, Respondent WESTSIDE PROPERTIES,
10 INC. ("WPI") has been licensed and/or has license rights by the Bureau of Real Estate¹
11 ("Bureau") as a real estate corporation, License ID 01896245. Unless renewed, WPI's license is
12 set to expire on March 29, 2016. Respondent has renewal rights pursuant to Code Section
13 10201. The Bureau retains jurisdiction pursuant to Code Section 10103.

14 5.

15 From February 1, 1985, through the present, Respondent THOMAS JOHN BROOK
16 ("BROOK") has been licensed by the Bureau as a real estate broker, License ID 00670992.
17 BROOK's license expired on January 7, 2015. Respondent has renewal rights pursuant to Code
18 Section 10201. The Bureau retains jurisdiction pursuant to Code Section 10103.

19 6.

20 From July 31, 2012 through January 16, 2015, Respondent WPI was licensed as a real
21 estate corporation, acting by and through Respondent BROOK as its designated broker-officer.
22 As the broker-officer designated by Respondent WPI pursuant to Section 10211 of the Code,
23

24 ¹ Effective July 1, 2013, the Department of Real Estate became the Bureau of Real Estate ("Bureau"). All references to the agency are to the successor Bureau.

1 BROOK was responsible for the supervision and control of the activities conducted by WPI's
2 officers and employees on behalf of WPI, as necessary to secure full compliance with Real
3 Estate Law as set forth in Code Section 10159.2 and Regulation 2725. On January 16, 2015, the
4 Bureau received notice that BROOK had resigned as an officer and designated broker-officer of
5 WPI. As of January 17, 2015, Respondent WPI's real estate license has been in a "non-working
6 status" and could not perform acts for which a real estate license was required.

7 7.

8 From November 18, 2006, through the present, Respondent DOMINIC DARON
9 NAIDOO ("NAIDOO") has been licensed by the Bureau as a real estate salesperson, License ID
10 01343805. From May 7, 2012, through April 5, 2014, NAIDOO was licensed under the
11 employment of WPI. NAIDOO's employment with WPI was discontinued on April 6, 2014.
12 From April 6, 2014 to the present, NAIDOO has been licensed as "NBA" (no broker affiliation)
13 or non-working status where the licensee may not perform acts for which a real estate license is
14 required in California.

15 8.

16 Respondent WPI is a corporation formed in California on or about February 25, 2010,
17 Corporation File Number C3280903. Respondent NAIDOO is President and sole shareholder of
18 WPI.

19 ///

20 ///

21 ///

22 ///

23 ///

1 FIRST CAUSE OF ACCUSATION

2 (Suspended Corporate Status)

3 9.

4 On March 1, 2013, the California Franchise Tax Board suspended the corporate powers,
5 rights and privileges of Respondent WPI pursuant to the provisions of the California Revenue
6 and Taxation Code. WPI's corporate status remains suspended.

7 10.

8 The suspension of Respondent WPI's corporate status is in violation of Regulations of
9 the Real Estate Commissioner, Title 10, Chapter 6, California Code of Regulations
10 ("Regulations") Section 2742, subdivision (c), and constitutes grounds to suspend or revoke
11 Respondent WPI's corporate real estate broker license pursuant to Code Section 10177,
12 subdivisions (d) and/or (f).

13 SECOND CAUSE OF ACCUSATION

14 (Failure to Maintain Place of Business)

15 11.

16 There is hereby incorporated in this Second, separate and distinct Cause of Accusation,
17 all of the allegations contained in Paragraphs 1 through 10, with the same force and effect as if
18 herein fully set forth.

19 12.

20 From March 30, 2012 through December 22, 2013, WPI listed 2814 Abbot Kinney Blvd.,
21 Venice, California 90291 as its main office and mailing address with the Bureau. On or about
22 December 23, 2013, WPI notified the Bureau that its new main office address was changed to
23 1507 7th Street, #214, Santa Monica, California 90401.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

13.

On December 15, 2013, BROOK notified the Bureau that his main office address changed to 1507 7th Street, #214, Santa Monica, California 90401.

14.

From March 27, 2012 through February 26, 2014, NAIDOO's mailing address listed with the Bureau was 2814 Abbot Kinney Blvd., Venice, California 90291. On or about February 27, 2014, NAIDOO changed his mailing address listed with the Bureau to 1507 7th Street, #214, Santa Monica, California 90401.

15.

On December 9, 2014, a special investigator for the Bureau traveled to 1507 7th Street, #214, Santa Monica, California 90401 and discovered that the location is a business that rents private mailboxes. Respondents were not using this physical location as a main office.

16.

On December 9, 2014, a special investigator for the Bureau traveled to 2814 Abbot Kinney Blvd., Venice, California 90291 and discovered that Respondents were not using this location as a main office.

17.

The conduct, acts and/or omissions of Respondents WPI and BROOK as set forth above in Paragraphs 15 and 16 constitute cause for the suspension or revocation of the real estate licenses and license rights of Respondents WPI and BROOK pursuant to Code Sections 10165 and 10177(d) for violation of Code Section 10162.

///
///

1 THIRD CAUSE OF ACCUSATION

2 (Failure to Maintain Broker Records/Lack of Broker-Salesperson Relationship Agreement)

3 18.

4 There is hereby incorporated in this Third, separate and distinct Cause of Accusation, all
5 of the allegations contained in Paragraphs 1 through 17, with the same force and effect as if
6 herein fully set forth.

7 19.

8 On or about December 10, 2014, a special investigator for the Bureau sent a letter of
9 inquiry to WPI and BROOK concerning, among other things, the corporate status of WPI and the
10 real estate business activities performed by WPI's salespersons. The Bureau's Special
11 Investigator received a letter dated December 19, 2014, from Respondent BROOK which
12 indicated that he had no direct knowledge as to WPI's corporate status or what real estate
13 activities were being performed by WPI.

14 20.

15 Respondent WPI failed to maintain a written agreement for every salesperson or broker
16 under a broker-salesperson agreement, including but not limited to: Danielle Suzanne Ariola,
17 Scott W. Brown, Maria Cox Dwyer, James Daly, Rosalie M. Frazier Penner, Anthony Richard
18 Krofsky, Heloen J. Seo, Shazeena Ali Williams, and NAIDOO. The conduct, acts and/or
19 omissions of Respondent WPI and BROOK as set forth above, constitute cause for the
20 suspension or revocation of the real estate license and license rights of Respondents WPI
21 pursuant to Code Section 10177(d) for violation of Regulation 2726.

22 ///

23 ///

1 21.

2 Respondent WPI failed to retain the copies of all documents in connection with any
3 transaction requiring a real estate broker license for the preceding three year period. The
4 conduct, acts and/or omissions of Respondent WPI as set forth above, constitute cause for the
5 suspension or revocation of the real estate license and license rights of Respondent WPI pursuant
6 to Code Section 10177(d) for violation of Code Section 10148.

7 FOURTH CAUSE OF ACCUSATION

8 (Lack of Supervision)

9 22.

10 There is hereby incorporated in this Fourth, separate and distinct Cause of Accusation, all
11 of the allegations contained in Paragraphs 1 through 21, with the same force and effect as if
12 herein fully set forth.

13 23.

14 During the period of time that Respondent BROOK was the designated officer for WPI,
15 BROOK failed to reasonably supervise or control the activities conducted on behalf of WPI to
16 ensure compliance with the Real Estate Law. WPI failed to maintain a definite place of business
17 licensed by the Bureau in violation of Code section 10162. Respondent WPI failed to maintain
18 copies of all WPI documents in connection any transactions for which a real estate broker license
19 is required, in violation of Code Section 10148. Respondent WPI failed to maintain copies of
20 broker-salesperson relationship agreements with WPI's salespersons in violation of Regulation
21 2726.

22 ///

23 ///

1 24.

2 The conduct, acts and/or omissions of Respondent BROOK, in allowing WPI and/or
3 NAIDOO to violate the Real Estate Law, as set forth above, constitutes a failure by Respondent
4 BROOK to exercise the supervision and control over the activities of Respondents WPI and/or
5 NAIDOO as required by Code Section 10159.2 and Regulation 2725, and constitutes cause to
6 suspend or revoke the real estate license and license rights of Respondent BROOK under Code
7 Sections 10177(h), 10177(d), and/or 10177(g).

8 FIFTH CAUSE OF ACCUSATION

9 (Unlicensed Activity)

10 25.

11 There is hereby incorporated in this Fifth, separate and distinct Cause of Accusation, all
12 of the allegations contained in Paragraphs 1 through 24, with the same force and effect as if
13 herein fully set forth.

14 26.

15 As of July 20, 2015, and continuing through the present, Respondent NAIDOO, while
16 doing business as WPI, continues to offer to perform real estate activities which require a real
17 estate broker license on various websites including, but not limited to, Activerain, U.S. Condo
18 Exchange, Trulia, Condo.com, WestsideHomefinder.com, and Craig's List. Respondents'
19 Bureau license ID numbers are not included on said advertisements.

20 27.

21 The conduct, acts and/or omissions of Respondent NAIDOO as set forth above in
22 Paragraph 26, constitutes cause for the suspension or revocation of the licenses and license rights
23 of Respondent NAIDOO pursuant to Code Sections Code sections 10177(d) (violation of the
24


1 Real Estate Law) and/or 10177(g) (negligence) for violation of Code Section 10130.

2 28.

3 Code Section 10106 provides, in pertinent part, that in any order issued in resolution of a
4 disciplinary proceeding before the Bureau of Real Estate, the Commissioner may request the
5 administrative law judge to direct a licensee found to have committed a violation of this part to
6 pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

7 WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this
8 Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action
9 against all licenses and/or license rights of Respondents WESTSIDE PROPERTIES, INC.,
10 THOMAS JOHN BROOK, individually and as former designated officer of Westside Properties,
11 Inc., and DOMINIC DARON NAIDOO under the Real Estate Law (Part 1 of Division 4 of the
12 Business and Professions Code), for the cost of investigation and enforcement as permitted by
13 law, and for such other and further relief as may be proper under other provisions of law.

14 Dated at Los Angeles, California this 28th day of September, 2015.

15
16
17 
18 MARIA SUAREZ
19 Deputy Real Estate Commissioner
20

21 cc: Westside Properties, Inc.
22 Thomas John Brook
23 Dominic Daron Naidoo
24 Maria Suarez
Sacto

1 Bureau of Real Estate
320 West Fourth Street, Suite 350
2 Los Angeles, California 90013-1105

FILED

SEP 15 2016

BUREAU OF REAL ESTATE

By 

7 BEFORE THE BUREAU OF REAL ESTATE
8 STATE OF CALIFORNIA

9 * * * *

10 In the Matter of the Accusation of) CalBRE No. H-39995 LA
11) OAH No. 2015120186
11 WESTSIDE PROPERTIES, INC.,)
11 THOMAS JOHN BROOK,)
12 individually and as designated officer of)
12 Westside Properties, Inc., and)
13 DOMINIC DARON NAIDOO,) DEFAULT ORDER
14 Respondents.)

15 On September 28, 2015, Maria Suarez made an Accusation in her official
16 capacity as a Supervising Special Investigator of the State of California against Respondent
17 THOMAS JOHN BROOK ("Respondent") in the above-referenced matter. The Accusation,
18 Statement to Respondent, and Notice of Defense were mailed, by regular mail and by certified
19 mail, return receipt requested, to Respondent's last known mailing address on file with the
20 Bureau of Real Estate of the State of California on October 20, 2015.

21 On November 2, 2015, a Notice of Defense having been filed herein within the
22 time prescribed by Section 11506 of the Government Code, the matter was set for hearing at
23 9:00 a.m., on September 14 and 15, 2016, in the Office of Administrative Hearings, 320 W.
24 Fourth Street, Suite 630, Los Angeles, California. On December 17, 2015, a Notice of Hearing

1 stating the date, time, and location of the hearing was served on Respondent by first class mail,
2 at the address noted on Respondent's Notice of Defense.

3 No appearance having been made by Respondent or by anyone on his behalf, at
4 the noticed time, date, and location of the hearing, and upon evidence of compliance with the
5 provisions of Sections 11506 and 11509 of the Government Code, Respondent THOMAS JOHN
6 BROOK is now in default. It is, therefore, ordered that a default be entered on the record in this
7 matter.

8 IT IS SO ORDERED September 15, 2016

9
10 REAL ESTATE COMMISSIONER

11 Dolores Ramos

12 By: Dolores Ramos
13 Regional Manager
14
15
16
17
18
19
20
21
22
23
24