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FILED

APR 28 2021

DEPARTMENT OF REAL ESTATE
By B. Nicholas

8 DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * * *

11 To:

DRE No. H-41944 LA

12
13 FOWLER DEVELOPMENT
14 COMPANY, INC.; DARIUS ASSEMI;
15 FARID ASSEMI; FARSHID ASSEMI;
16 JASON HOLLRAH; JEFFREY
17 RUSSELL; GRANVILLE REALTY,
18 INC.; VICTOR ALEXANDER
19 GONZALEZ; ALEXUS KAYLIE
MCCOLM; SOPHIE SIMIEN; and
GRANVILLE HOMES, INC.

ORDER TO DESIST AND REFRAIN

(B&P Code section 11019)

Respondents.

20 RE: CANVAS COLLECTION AT BELTERRA (Lots 29-34, inclusive, 36-40,
21 inclusive, 110, 113, 115-116 and 122-131, inclusive, of Tract No. 6110 ("Sold Lots"); and Lots
22 4-16, inclusive, 35, 111-112 and 114 of Tract No. 6110 ("Unsold Lots")(the Sold Lots and
23 Unsold Lots are, collectively, referred to herein as "Phase 3"); all in the City of Fresno, State of
California)

24 The Real Estate Commissioner of the State of California has determined from
25 evidence available to him that you have violated Sections 11010, 11018.2, 11012 and
26 11019(a)(1) of the Business and Professions Code of the State of California ("Code") as well as
27 California Code of Regulations, Title 10, Section 2800 (Notification of Material Change).

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1.

You, FOWLER DEVELOPMENT COMPANY, INC. (“FDC”), DARIUS ASSEMI, FARID ASSEMI, FARSHID ASSEMI, JASON HOLLRAH, JEFFREY RUSSELL, GRANVILLE REALTY, INC., VICTOR ALEXANDER GONZALEZ (“GONZALEZ”), ALEXUS KAYLIE MCCOLM, SOPHIE SIMIEN, and GRANVILLE HOMES, INC. (collectively, “RESPONDENTS”), are the owner or agents of the owner of certain subdivided real properties as defined in Sections 11000 and 11004.5 of the Code.

2.

Such subdivided real properties are known or commonly referred to as Canvas Collection at Belterra, which is located in the City of Fresno, State of California (“Belterra Subdivision”).

3.

On or around February 9, 2018, FDC submitted an application to the California Department of Real Estate (“DRE”) in order to begin soliciting prospective purchasers, offering for sale, and selling the lots or other interests in Phase 3 of the Belterra Subdivision.

4.

On or around April 11, 2018, DRE issued that certain “Final Document Notice” and which listed the items that FDC was required to provide to DRE in order for DRE to issue a public report for Phase 3 of the Belterra Subdivision.

5.

Beginning on or around May 6, 2019, and without providing a response to DRE’s Final Document Notice and having obtained a public report from DRE for Phase 3 of the Belterra Subdivision, FDC began soliciting prospective purchasers, offering for sale, and selling lots or other interests in Phase 3 of the Belterra Subdivision.

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6.

On or around May 9, 2019, FDC entered into a contract to sell Lot 131 in Phase 3 of the Belterra Subdivision to a member of the public, Patricia H. (“**Patricia H.**”).¹ On or around October 22, 2019, FDC conveyed Lot 131 to Patricia H.

7.

From on or around September 19, 2019, to August 17, 2020, FDC entered into another twenty-four contracts to sell the balance of the Sold Lots in Phase 3 of the Belterra Subdivision to other members of the public. From on or around March 9, 2020, to December 29, 2020, FDC conveyed the balance of the Sold Lots to other members of the public.

8.

On or around December 18, 2020, DRE received a response from FDC to DRE’s Final Document Notice and requested the issuance of a public report from DRE for Phase 3 of the Belterra Subdivision (“**FDC’s Response**”). FDC’s Response included a letter from GONZALEZ on behalf of FDC and included an explanation why FDC failed to previously obtain a public report from DRE for Phase 3 of the Belterra Subdivision.

9.

On or around December 21, 2020, and December 28, 2020, as well as December 29, 2020, FDC conveyed at least three of the Sold Lots to other members of the public, which dates were after DRE had received FDC’s Response.

10.

On or around February 4, 2021, DRE denied issuance of a public report to FDC for Phase 3 of the Belterra Subdivision pursuant to Sections 11012 and 11018(a) of the Code as well as Section 2800 of Title 10 of the California Code of Regulations.

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¹ The first names and first initials of the last names of members of the public are used in place of their full names in this Order to protect their privacy. Documents containing these individuals’ full names will be provided during the discovery phase of this case to Respondents and/or their counsel after service of a timely and proper request for discovery on Complainant’s counsel.

1 11.

2 DRE has determined through an investigation that RESPONDENTS, individually
3 and/or through their agents, entered into contracts to sell and subsequently conveyed Lot 131 and
4 the balance of the Sold Lots to Patricia H. and other members of the public without having first
5 obtained a public report from DRE for the Sold Lots.

6 12.

7 RESPONDENTS, individually and/or through their agents, have offered for sale
8 and conveyed the Sold Lots without having (a) filed with DRE the requisite notice of intention
9 and completed questionnaire, which is in violation of Section 11010 of the Code, (b) obtained
10 public reports, which is in violation of Section 11018.2 of the Code and (c) first notified DRE of
11 such intended change prior to offering for sale and conveying the Sold Lots, which is in violation
12 of Section 11012 of the Code.

13 NOW, THEREFORE, YOU, FOWLER DEVELOPMENT COMPANY, INC.,
14 DARIUS ASSEMI, FARID ASSEMI, FARSHID ASSEMI, JASON HOLLRAH, JEFFREY
15 RUSSELL, GRANVILLE REALTY, INC., VICTOR ALEXANDER GONZALEZ, ALEXUS
16 KAYLIE MCCOLM, SOPHIE SIMIEN, AND GRANVILLE HOMES, INC., AS WELL AS
17 YOUR RESPECTIVE DIRECTORS, OFFICERS, AGENTS AND EMPLOYEES, AS
18 APPLICABLE, ARE HEREBY ORDERED TO DESIST AND REFRAIN from selling or
19 leasing or offering for sale or lease any lots or other interests in Phase 3 of the Belterra
20 Subdivision until you have, first, filed with DRE the requisite notice of intention and completed
21 questionnaire and obtained a conditional public report with respect to the Unsold Lots; second,
22 after obtaining such conditional public report, offered a complete rescission to those owners who
23 have closed escrow for the Sold Lots and any buyers who may currently be in escrow for the
24 Unsold Lots; third, provided proof satisfactory to DRE that the Sold Lots were properly annexed
25 into the homeowners association for the Belterra Subdivision; fourth, provided proof satisfactory
26 to DRE that you have been paying assessments for the Unsold Lots to the homeowners
27 association for the Belterra Subdivision since the first Sold Lot closed escrow; fifth, identified to

1 DRE's satisfaction any and all prospective purchasers who contracted for either the Sold Lots or
2 Unsold Lots, but defaulted while in escrow whereupon you retained all or any portion of such
3 prospective purchasers' earnest money and option deposits; sixth, returned any and all forfeited
4 earnest money and option deposits to such prospective purchasers; and, seventh, complied with
5 any and all other requests from DRE's District Manager for the Fresno District Office (including,
6 but not limited to, addressing to DRE's satisfaction whether or not the lots or other interests in
7 the other phases of the Belterra Subdivision should be made subject to this ORDER) in
8 connection with your addressing the violations set forth in this ORDER.

9 DATED: 4.27.21

10 DOUGLAS R. McCAULEY
11 REAL ESTATE COMMISSIONER

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13 Douglas R. McCauley
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