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2 Department of Real Estate  
3 1651 Exposition Boulevard  
4 Sacramento, California, 95815  
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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  
20 MCCOLM; SOPHIE SIMIEN; and  
21 GRANVILLE HOMES, INC.

ORDER TO DESIST AND REFRAIN

(B&P Code section 11019)

Respondents.

22 RE: CANVAS COLLECTION AT BELTERRA (Lots 29-34, inclusive, 36-40,  
23 inclusive, 110, 113, 115-116 and 122-131, inclusive, of Tract No. 6110 ("Sold Lots"); and Lots  
24 4-16, inclusive, 35, 111-112 and 114 of Tract No. 6110 ("Unsold Lots")(the Sold Lots and  
25 Unsold Lots are, collectively, referred to herein as "Phase 3"); all in the City of Fresno, State of  
26 California)

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

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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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1 6.

2 On or around May 9, 2019, FDC entered into a contract to sell Lot 131 in Phase 3  
3 of the Belterra Subdivision to a member of the public, Patricia H. ("**Patricia H.**").<sup>1</sup> On or  
4 around October 22, 2019, FDC conveyed Lot 131 to Patricia H.

5 7.

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

10 8.

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

16 9.

17 On or around December 21, 2020, and December 28, 2020, as well as December  
18 29, 2020, FDC conveyed at least three of the Sold Lots to other members of the public, which  
19 dates were after DRE had received FDC's Response.

20 10.

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

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27 <sup>1</sup> 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: 21.07.21

10 DOUGLAS R. McCAULEY  
11 REAL ESTATE COMMISSIONER

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13 DOUGLAS R. McCAULEY  
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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Desist and Refrain Order to: )  
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)  
FOWLER DEVELOPMENT COMPANY INC, ET AL., )  
\_\_\_\_\_ )

DRE Case No. H-41944 LA

DECLARATION OF MAILING

STATE OF CALIFORNIA )  
) ss.  
COUNTY OF SACRAMENTO )

I am employed in the office of the Department of Real Estate of the State of California at 1651 Exposition Blvd., Sacramento, CA 95815. I am over the age of eighteen years and not a party to the within action.

On April 29, 2021, I served the following document(s):

- Desist and Refrain Order
- RE-575 Notice of Service (Individual)
- RE-576 Service Notice (Corporation)

in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

FOWLER DEVELOPMENT COMPANY, INC.  
ATTN: JEFFREY A. RUSSELL  
1396 W HERNDON AVE STE 101  
FRESNO, CA 93711

GRANVILLE REALTY, INC.  
ATTN: JEFFREY A. RUSSELL  
1396 W. HERNDON AVE STE 101  
FRESNO, CA 93711

DARIUS ASSEMI  
1396 W. HERNDON AVE STE 101  
FRESNO, CA 93711

VICTOR ALEXANDER GONZALEZ  
1396 W. HERNDON AVE STE 101  
FRESNO, CA 93711

FARID ASSEMI  
1396 W. HERNDON AVE STE 101  
FRESNO, CA 93711

ALEXUS KAYLIE MCCOLM  
2542 MENLO AVE  
CLOVIS, CA 93611

FARSHID ASSEMI  
1396 W. HERNDON AVE STE 101  
FRESNO, CA 93711

SOPHIE SIMIEN  
5960 E. VIA PECCIO DR  
FRESNO, CA 93727

JASON HOLLRAH  
1396 W. HERNDON AVE STE 101  
FRESNO, CA 93711

GRANVILLE HOMES, INC.  
ATTN: JEFFREY A. RUSSELL  
1396 W. HERNDON AVE STE 101  
FRESNO, CA 93711

JEFFREY A. RUSSELL  
1396 W HERNDON AVE STE 101  
FRESNO, CA 93711

(*By Mail*) I served the above document(s) on behalf of the Department of Real Estate by placing for collection and mailing following ordinary business practices, true copies to the addressed as shown above, on this date and at the place shown, in envelope(s) in the ordinary course of business.

(*By Certified Mail*) I served the above document(s) on behalf of the Department of Real Estate by placing for collection and mailing following ordinary business practices, true copies to the addressed as shown above, on this date and at the place shown, in envelope(s) in the ordinary course of business.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on April 29, 2021, at Sacramento, California.

  
BROOKE NICHOLAS