

FILED
MAR 14 2013

DEPARTMENT OF REAL ESTATE
By *R. Mar*

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of)
LAVERNE MARIE BOSSE,) No. H-4427 SD
Respondent.)

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 31, 2013, and the findings of fact set forth herein, which are based on one or more of the following: (1) Respondent's express admissions; (2) affidavits; and (3) other evidence.

This Decision revokes a real estate license and/or license rights on grounds of violation of Sections 10167.11(b)(1) (referral of property to prospective tenant knowing or having reason to know that the property does not exist or is unavailable for tenancy), 10167.11(b)(2) (referral of property to prospective tenant knowing or having reason to know the property has been described or advertised by or on behalf of the licensee in a false, misleading or deceptive manner), 10167.11(b)(3) (referral of property to prospective tenant without confirming the availability of the property for tenancy) and 10167.11(b)(4) (referral of property to prospective tenant without written or oral permission to list the property from the property owner, manager or other authorized agent) of the Real Estate Law, Part 1 of Division 4 of the Business and Professions Code ("the Code").

The right to reinstatement of a revoked real estate license is controlled by Section 11522 of the Government Code. A copy of Section 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of Respondent.

FINDINGS OF FACT

1

On October 15, 2012, Veronica Kilpatrick made the Accusation in her official capacity as a Deputy Real Estate Commissioner of the State of California. The Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified mail, return receipt requested, to Respondent's last known mailing address on file with the Department on November 21, 2012.

On January 30, 2013, no Notice of Defense having been received or filed herein within the time prescribed by Section 11506 of the Government Code, Respondent's default was entered herein.

2

Respondent is presently licensed and/or has license rights under the Real Estate Law, Part I of Division 4, of the California Business and Professions Code ("the Code") to conduct prepaid rental service activities.

3

In connection with her prepaid rental licensing service activities, Respondent advertised numerous real properties for rent on www.Craigslist.org.

4

On or about February 8, 2012, a Deputy Commissioner from the Department's San Diego District Office searched Craigslist for possible listings by Respondent. As a result of that search, the Deputy Commissioner obtained 62 current rental property listings which included Respondent's telephone number as the contact number in the rental advertisement.

5

On or about February 14, 2012, the Deputy Commissioner contacted Andrew S. at Utopia Management Services regarding an advertisement on Craigslist from Respondent for rental property located at 4556-1/2 35th Street, Normal Heights, California. In that advertisement, Utopia Management Services was listed by Respondent as the contact for that rental property. Andrew S. confirmed that Respondent did not have permission to list the property on 35th Street for rent and that the property had actually been rented a few weeks earlier.

6

On or about February 14, 2012, the Deputy Commissioner contacted Brad C. at Xila Property Management regarding an advertisement on Craigslist from Respondent for rental property located at 2009 Grande Avenue, Pacific Beach, California. In that advertisement, Xila Property Management was listed by Respondent as the contact for that rental property. Brad C.

confirmed that Respondent did not have permission to list the Grande Avenue property for rent. In fact, Brad C. had previously demanded that Respondent remove his rental listings, including the listing for the Grande Avenue property, from her Craigslist advertising, but Respondent failed to do so.

7

On or about February 14, 2012, the Deputy Commissioner contacted Tracy D., who had filed a complaint against Respondent with the Better Business Bureau. According to Tracy D., she was looking for a studio apartment on Craigslist and found a property advertised by Respondent that she was interested in renting. The telephone number listed on the advertisement for the property belonged to Respondent. Respondent charged Tracy D. an \$80 fee for a list of the rental properties in her database. However, Tracy D. discovered that most of the properties on the rental list sold to her by Respondent were shared apartments and not studio apartments as Tracy D. had requested or the rental prices were actually higher than Respondent listed on her printout.

8

On or about February 14, 2012, the Deputy Commissioner contacted Erica R., who had paid a \$98 fee to Respondent for a copy of Respondent's rental property listings that were supposed to meet Erica R.'s rental criteria. When Erica R. called the contact numbers provided by Respondent for the rental properties, she discovered the owners or managers of the properties she spoke with did not know who Respondent was and had never given Respondent authorization to advertise their properties. Erica R. did not end up using Respondent's services to find a rental property and requested a refund. She received a partial refund of \$48 from Respondent (\$98 less a \$50 "non-refundable" fee).

DETERMINATION OF ISSUES

1

Cause for disciplinary action against Respondent exists with reference to acts set for the in Paragraphs 3 through 8, above, pursuant to Business and Professions Code Sections 10167.11(b)(1), 10167.11(b)(2), 10167.11(b)(3) and 10167.11(b)(4).

2

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

ORDER

All licenses and licensing rights of Respondent LAVERNE MARIE BOSSE 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 - 4 2013

DATED: _____

3/12/2013

WAYNE S. BELL
Real Estate Commissioner



1 Department of Real Estate
2 P. O. Box 187007
3 Sacramento, CA 95818-7007
4 Telephone: (916) 227-0789

FILED
JAN 31 2013

DEPARTMENT OF REAL ESTATE
By *R. Mark*

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 ***

11
12 In the Matter of the Accusation of)
13 LAVERNE MARIE BOSSE,) No. H-4427 SD
14 Respondent.) DEFAULT ORDER
15)

16
17 Respondent, LAVERNE MARIE BOSSE, having failed to file a Notice of
18 Defense within the time required by Section 11506 of the Government Code, is now in default.
19 It is, therefore, ordered that a default be entered on the record in this matter.

20 IT IS SO ORDERED January 30, 2013.

21 REAL ESTATE COMMISSIONER

22
23
24 By: *Dolores Weeks*
25 DOLORES WEEKS
26 Southern Regional Manager
27

1 JOHN W. BARRON, Counsel (SBN 171246)
2 Department of Real Estate
3 P. O. Box 187007
4 Sacramento, CA 95818-7007

5 Telephone: (916) 227-0792 (Direct)
6 -or- (916) 227-0789 (Main)

FILED
NOV 14 2012

DEPARTMENT OF REAL ESTATE
By *[Signature]*

7
8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12) NO. H-4427 SD
13 LAVERNE MARIE BOSSE,)
14) ACCUSATION
Respondent.)

15 The Complainant, VERONICA KILPATRICK, in her official capacity as a
16 Deputy Real Estate Commissioner of the State of California, ("Complainant"), for Accusation
17 against LAVERNE MARIE BOSSE ("Respondent"), individually and doing business as "Rent
18 San Diego Properties", is informed and alleges as follows:

19 1

20 At all times mentioned, Respondent was and now is licensed by the State of
21 California Department of Real Estate ("the Department"), to conduct prepaid rental service
22 activities.

23 2

24 In connection with her prepaid rental licensing service activities, Respondent
25 advertised numerous real properties for rent on www.Craigslist.org.

26 ///
27 ///

1 3

2 On or about February 8, 2012, a Deputy Commissioner from the Department's
3 San Diego District Office searched Craigslist for possible listings by Respondent. As a result
4 of that search, the Deputy Commissioner obtained 62 current rental property listings which
5 included Respondent's telephone number as the contact number in the rental advertisement.

6 4

7 On or about February 14, 2012, the Deputy Commissioner contacted Andrew S.
8 at Utopia Management Services regarding an advertisement on Craigslist from Respondent for
9 rental property located at 4556-1/2 35th Street, Normal Heights, California. In that
10 advertisement, Utopia Management Services was listed by Respondent as the contact for that
11 rental property. Andrew S. confirmed that Respondent did not have permission to list the
12 property on 35th Street for rent and that the property had actually been rented a few weeks
13 earlier.

14 5

15 On or about February 14, 2012, the Deputy Commissioner contacted Brad C. at
16 Xila Property Management regarding an advertisement on Craigslist from Respondent for rental
17 property located at 2009 Grande Avenue, Pacific Beach, California. In that advertisement, Xila
18 Property Management was listed by Respondent as the contact for that rental property. Brad C.
19 confirmed that Respondent did not have permission to list the Grande Avenue property for rent.
20 In fact, Brad C. had previously demanded that Respondent remove his rental listings, including
21 the listing for the Grande Avenue property, from her Craigslist advertising, but Respondent
22 failed to do so.

23 6

24 On or about February 14, 2012, the Deputy Commissioner contacted Tracy D.,
25 who had filed a complaint against Respondent with the Better Business Bureau. According to
26 Tracy D., she was looking for a studio apartment on Craigslist and found a property advertised
27 by Respondent that she was interested in renting. The telephone number listed on the

1 advertisement for the property belonged to Respondent. Respondent charged Tracy D. an \$80
2 fee for a list of the rental properties in her database. However, Tracy D. discovered that most of
3 the properties on the rental list sold to her by Respondent were shared apartments and not studio
4 apartments as Tracy D. had requested or the rental prices were actually higher than Respondent
5 listed on her printout.

6 7

7 On or about February 14, 2012, the Deputy Commissioner contacted Erica R.,
8 who had paid a \$98 fee to Respondent for a copy of Respondent's rental property listings that
9 were supposed to meet Erica R.'s rental criteria. When Erica R. called the contact numbers
10 provided by Respondent for the rental properties, she discovered the owners or managers of the
11 properties she spoke with did not know who Respondent was and had never given Respondent
12 authorization to advertise their properties. Erica R. did not end up using Respondent's services
13 to find a rental property and requested a refund. She received a partial refund of \$48 from
14 Respondent (\$98 less a \$50 "non-refundable" fee).

15 8

16 The acts and/or omissions of Respondent described in Paragraphs 3 through 7,
17 above, are grounds for the revocation or suspension of Respondent's license and/or license
18 rights under Sections 10167.11(b)(1) (referral of a property to a prospective tenant knowing or
19 having reason to know that the property does not exist or is unavailable for tenancy),
20 10167.11(b)(2) (referral of a property to a prospective tenant knowing or having reason to know
21 the property has been described or advertised by or on behalf of the licensee in a false,
22 misleading or deceptive manner), 10167.11(b)(3) (referral of a property to a prospective tenant
23 without confirming the availability of the property for tenancy), 10167.11(b)(4) (referral of a
24 property to a prospective tenant without written or oral permission to list the property from the
25 property owner, manager or other authorized agent), 10176(a) (misrepresentation), 10176(i)
26 (fraud or dishonest dealing), and 10177(d) (willful disregard/violation of real estate law) and/or
27 10177(g) (negligence or incompetence) of the Code.

1 COST RECOVERY

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

8 WHEREFORE, Complainant prays that a hearing be conducted on the
9 allegations of this Accusation and that upon proof thereof, a decision be rendered imposing
10 disciplinary action against all licenses and license rights of Respondent under the Code, for the
11 reasonable cost of investigation and prosecution of this case, including agency attorney's fees,
12 and for such other and further relief as may be proper under other provisions of law.

13
14 
15 VERONICA KILPATRICK
16 Deputy Real Estate Commissioner

17 Dated at San Diego, California,
18 this 15 day of October, 2012.

1 Department of Real Estate
2 P. O. Box 187007
3 Sacramento, CA 95818-7007
4 Telephone: (916) 227-0789

FILED

NOV 14 2012

DEPARTMENT OF REAL ESTATE
By *R. Mat*

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11
12 To:)
13 LAVERNE MARIE BOSSE.) NO. H-4428 SD
14) ORDER TO DESIST AND REFRAIN
15) (B & P Code Section 10086)
16)

17 The Real Estate Commissioner (“the Commissioner”) of the California
18 Department of Real Estate (“the Department”) caused an investigation to be made of the
19 activities of LAVERNE MARIE BOSSE (“Respondent”), individually and doing business as
20 “Rent San Diego Properties”. Based on that investigation, the Commissioner has determined
21 that Respondent has engaged in, is engaging in, or is attempting to engage in, acts or practices
22 constituting violation of Sections 10167.11(b)(1) (referral of a property to a prospective tenant
23 knowing or having reason to know that the property does not exist or is unavailable for
24 tenancy), 10167.11(b)(2) (referral of a property to a prospective tenant knowing or having
25 reason to know the property has been described or advertised by or on behalf of the licensee in a
26 false, misleading or deceptive manner), 10167.11(b)(3) (referral of a property to a prospective
27 tenant without confirming the availability of the property for tenancy), 10167.11(b)(4) (referral

1 of a property to a prospective tenant without written or oral permission to list the property from
2 the property owner, manager or other authorized agent) of the California Business and
3 Professions Code (“the Code”). Furthermore, based on the investigation, the Commissioner
4 hereby issues the following Findings of Fact, Conclusions of Law, and Desist and Refrain Order
5 under the authority of Section 10086 of the Code.

6 FINDINGS OF FACT

7 1. At all times mentioned, Respondent was licensed by the Department to conduct
8 prepaid rental service activities.

9 2. In connection with her prepaid rental licensing service activities, Respondent
10 advertised numerous real properties for rent on www.Craigslist.org.

11 3. On or about February 8, 2012, a Deputy Commissioner from the Department’s
12 San Diego District Office searched Craigslist for possible listings by Respondent. As a result
13 of that search, the Deputy Commissioner obtained 62 current rental property listings which
14 included Respondent’s telephone number as the contact number in the rental advertisement.

15 4. On or about February 14, 2012, the Deputy Commissioner contacted Andrew S.
16 at Utopia Management Services regarding an advertisement on Craigslist from Respondent for
17 rental property located at 4556-1/2 35th Street, Normal Heights, California. In that
18 advertisement, Utopia Management Services was listed by Respondent as the contact for that
19 rental property. Andrew S. confirmed that Respondent did not have permission to list the
20 property on 35th Street for rent and that the property had actually been rented a few weeks
21 earlier.

22 5. On or about February 14, 2012, the Deputy Commissioner contacted Brad C. at
23 Xila Property Management regarding an advertisement on Craigslist from Respondent for rental
24 property located at 2009 Grande Avenue, Pacific Beach, California. In that advertisement, Xila
25 Property Management was listed by Respondent as the contact for that rental property. Brad C.
26 confirmed that Respondent did not have permission to list the Grande Avenue property for rent.
27 In fact, Brad C. had previously demanded that Respondent remove his rental listings, including

1 the listing for the Grande Avenue property, from her Craigslist advertising, but Respondent
2 failed to do so.

3 6. On or about February 14, 2012, the Deputy Commissioner contacted Tracy D.,
4 who had filed a complaint against Respondent with the Better Business Bureau. According to
5 Tracy D., she was looking for a studio apartment on Craigslist and found a property advertised
6 by Respondent that she was interested in renting. The telephone number listed on the
7 advertisement for the property belonged to Respondent. Respondent charged Tracy D. an \$80
8 fee for a list of the rental properties in her database. However, Tracy D. discovered that most of
9 the properties on the rental list sold to her by Respondent were shared apartments and not studio
10 apartments as Tracy D. had requested or the rental prices were actually higher than Respondent
11 listed on her printout.

12 7. On or about February 14, 2012, the Deputy Commissioner contacted Erica R.,
13 who had paid a \$98 fee to Respondent for a copy of Respondent's rental property listings.
14 When Erica R. called the contact numbers provided by Respondent for the rental properties, she
15 discovered the owners or managers of the properties she spoke with did not know who
16 Respondent was and had never given Respondent authorization to advertise their properties.
17 Erica R. did not end up using Respondent's services to find a rental property and requested a
18 refund. She received a partial refund of \$48 from Respondent (\$98 less a \$50 "non-refundable"
19 fee).

20 CONCLUSIONS OF LAW

21 8. Based on the Findings of Fact contained in Paragraphs 1 through 7, above,
22 Respondent performed activities which violate Sections 10167.11(b)(1), 10167.11(b)(2),
23 10167.11(b)(3) and 10167.11(b)(4) of the Code.

24 DESIST AND REFRAIN ORDER

25 Based on the Findings of Fact and Conclusions of Law stated herein,
26 LAVERNE MARIE BOSSE, individually and doing business as "Rent SD Properties",
27 whether doing business under your own name, or any other name or fictitious name, IS

