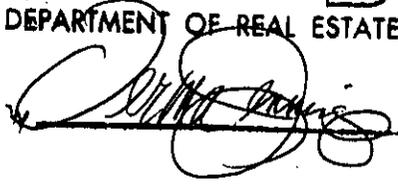


FILED  
MAY 23 2008  
DEPARTMENT OF REAL ESTATE



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BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Application of ) NO. H-29551 LA  
MARK VERGE, )  
Respondent. )

ORDER GRANTING UNRESTRICTED LICENSE

On December 3, 2002, a Decision was rendered herein, denying Respondent's application for a Prepaid Rental Listing Service License, but granting Respondent the right to the issuance of a restricted Prepaid Rental Listing Service License. A restricted Prepaid Rental Listing Service License was issued to Respondent December 17, 2002.

On October 25, 2005, Respondent petitioned for the removal of restrictions attaching to Respondent's Prepaid Rental Listing Service License.

///

///

1 I have considered Respondent's petition and the  
2 evidence submitted in support thereof. Respondent has  
3 demonstrated to my satisfaction that Respondent meets the  
4 requirements of law for the issuance to Respondent of an  
5 unrestricted Prepaid Rental Listing Service License and that  
6 it would not be against the public interest to issue said  
7 license to Respondent.

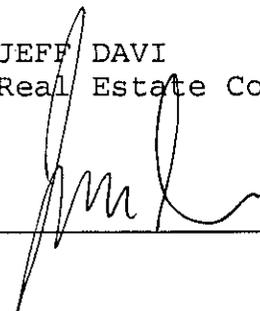
8 NOW, THEREFORE, IT IS ORDERED that Respondent's  
9 petition for removal of restrictions is granted and that a  
10 Prepaid Rental Listing Service License be issued to Respondent  
11 subject to the following understanding and conditions:

12 Within nine (9) months from the date of this Order,  
13 Respondent shall:

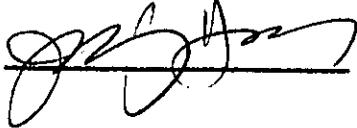
14 Submit a completed application and pay the appropriate  
15 fee for a Prepaid Rental Listing Service License.

16 This Order shall be effective immediately.

17 Dated: 11.30.08  
18 \_\_\_\_\_

19 JEFF DAVI  
20 Real Estate Commissioner  
21   
22 \_\_\_\_\_  
23  
24  
25  
26  
27

1 DEPARTMENT OF REAL ESTATE  
2 320 West 4<sup>th</sup> Street, Suite 350  
3 Los Angeles, CA 90013-1105  
4 Telephone: (213) 576-6982

**FILED**  
DEC - 3 2002  
DEPARTMENT OF REAL ESTATE  
By 

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Application of )  
12 MARK VERGE, ) NO. H-29551 LA  
13 Respondent. ) OAH L-2002070261  
14 ) STIPULATION  
15 ) AND WAIVER

16 It is hereby stipulated by and between MARK VERGE  
17 (hereinafter "Respondent") and Respondent's attorneys, Louis R.  
18 Chao, and Charles M. Levy and the Complainant, acting by and  
19 through Mary E. Work, Counsel for the Department of Real Estate,  
20 as follows for the purpose of settling and disposing of the  
21 Statement of Issues filed on June 13, 2002, in this matter:

22 A. Respondent acknowledges that Respondent has  
23 received and read the Statement of Issues and the Statement to  
24 Respondent filed by the Department of Real Estate in connection  
25 with Respondent's application for a Prepaid Rental Listing  
26 Service license. Respondent understands that by filing the  
27 Statement of Issues in this matter the Real Estate Commissioner  
is shifting the burden to Respondent to make a satisfactory

1 showing that Respondent meets all the requirements for issuance  
2 of a prepaid rental listing service license. Respondent further  
3 understands that by entering into this Stipulation and Waiver  
4 (hereinafter sometimes referred to as "Stipulation"), Respondent  
5 will be stipulating that the Real Estate Commissioner has found  
6 that Respondent has failed to make such a showing, thereby  
7 justifying the denial of the issuance to Respondent of an  
8 unrestricted prepaid rental listing service license. Respondent  
9 acknowledges that the Real Estate Commissioner held one day of  
10 hearing on this Statement of Issues on September 24, 2002, and  
11 that there is currently pending another date of hearing scheduled  
12 for November 21, 2002. Respondent was present and represented by  
13 counsel at the hearing conducted on September 24, 2002.

14           B. Respondent hereby admits that the allegations of  
15 the Statement of Issues filed against Respondent are true and  
16 correct and requests that the Real Estate Commissioner in her  
17 discretion issue a restricted prepaid rental listing service  
18 license to Respondent under the authority of Sections 10167.17  
19 and 10156.6 of the Business and Professions Code.

20           C. Respondent is aware that by signing this  
21 Stipulation and Waiver, Respondent is waiving Respondent's right  
22 to further hearing and the opportunity to present further  
23 evidence at hearing to establish Respondent's suitability to  
24 obtain an unrestricted prepaid rental listing service license if  
25 this Stipulation and Waiver is accepted by the Real Estate  
26 Commissioner. However, Respondent is not waiving Respondent's  
27 right to a hearing and to further proceedings to obtain a

1 restricted or unrestricted license if this Stipulation and Waiver  
2 is not accepted by the Commissioner.

3 D. This Stipulation and any Order made pursuant to this  
4 Stipulation shall have no collateral estoppel or res judicata  
5 effect in any proceedings in which Respondent and the Department  
6 (or the Department's representative) are not parties. This  
7 Stipulation is made and received by the Commissioner and the  
8 Department, with the express understanding and agreement that it  
9 is for the purpose of settling these proceedings only, and that  
10 this Stipulation is not intended as, and shall not be deemed,  
11 used, or accepted as an acknowledgment or admission of fact in  
12 any other judicial, administrative, or other proceeding to which  
13 the Department is not a party.

14 E. Respondent further understands that the following  
15 conditions, limitations, and restrictions will attach to a  
16 restricted license issued by the Department of Real Estate  
17 pursuant hereto:

18 1. The license shall not confer any property right in  
19 the privileges to be exercised, and the Real Estate Commissioner  
20 may, by appropriate order, suspend the right to exercise any  
21 privileges granted under this restricted license in the event of:

22 a. The conviction of Respondent (including a plea of  
23 nolo contendere) to a crime which bears a substantial  
24 relationship to Respondent's fitness or capacity as a real estate  
25 licensee; or

26 b. The receipt of evidence that Respondent has  
27 violated provisions of the California Real Estate Law, the

1 Subdivided Lands Law, Regulations of the Real Estate  
2 Commissioner, or conditions attaching to this restricted license.

3 2. Respondent shall not be eligible to apply for the  
4 issuance of an unrestricted prepaid rental listing service  
5 license nor the removal of any of the conditions, limitations or  
6 restrictions attaching to the restricted license until two years  
7 have elapsed from the date of issuance of the restricted license  
8 to Respondent.

9  
10 3. All licenses of Respondent under the Real Estate  
11 Law are suspended for a period of six (6) months from the  
12 effective date of this Decision; provided, however, that if  
13 Respondent petitions, said suspension (or portion thereof) shall  
14 be stayed upon condition that:

15 (a) Respondent pays a monetary penalty at the rate of  
16 \$275 for each day of suspension for a total monetary penalty of  
17 \$50,000;

18 (b) Said payment shall be in the form of a cashier's  
19 check or certified check made payable to the Recovery Account of  
20 the Real Estate Fund. Said check must be received by the  
21 Department prior to the effective date of the Decision in this  
22 matter;

23 (c) If respondent fails to pay the monetary penalty in  
24 accordance with the terms and conditions of the Decision, the  
25 Commissioner may, without a hearing, order the immediate  
26 execution of all or any part of the stayed suspension in which  
27 event the Respondent shall not be entitled to any repayment nor

1 credit, prorated or otherwise, for money paid to the Department  
2 under the terms of this Decision.

3  
4 11/20/02

DATED

  
5 MARY E. WORK, COUNSEL  
6 DEPARTMENT OF REAL ESTATE

7 I have read the Stipulation and Waiver, have  
8 discussed it with my counsel, and its terms are understood by  
9 me and are agreeable and acceptable to me. I understand that I  
10 am waiving rights given to me by the California Administrative  
11 Procedure Act (including but not limited to Sections 11506,  
12 11508, 11509, and 11513 of the Government Code), and I  
13 willingly, intelligently, and voluntarily waive those rights,  
14 including the right of a hearing on the Statement of Issues at  
15 which I would have the right to cross-examine witnesses against  
16 me and to present evidence in defense and mitigation of the  
17 charges.

18 Respondent can signify acceptance and approval of the  
19 terms and conditions of this Stipulation by faxing a copy of the  
20 signature page, as actually signed by Respondent, to the  
21 Department at the following fax number: (213) 576-6917.  
22 Respondent agrees, acknowledges and understands that by  
23 electronically sending to the Department a fax copy of his actual  
24 signature as it appears on the Stipulation, that receipt of the  
25 faxed copy by the Department shall be as binding on the  
26  
27

NOV. 20. 2002 8:56AM SABATTIS O'CALLAGHAN  
FROM: LEVY, SMALL & ALLAN

9104717990

NO. 5328 P. 2/2  
T-740 P.08/08 F-872

1 Respondent as if the Department had received the original signed  
2 stipulation.

3 \_\_\_\_\_  
4 DATED

5 \_\_\_\_\_  
6 MARK VERGE  
7 Respondent

8 I have reviewed the stipulation and Waiver as to form  
9 and content and have advised my client accordingly.

10 \_\_\_\_\_  
11 11/20/02

12 DATED

13 \_\_\_\_\_  
14 LOUIS R. CHAO  
15 Attorney for Respondent

16 I have reviewed the Stipulation and Waiver as to form  
17 and content and have advised my client accordingly.

18 \_\_\_\_\_  
19 DATED

20 \_\_\_\_\_  
21 CHARLES M. LEVY  
22 Attorney for Respondent

23 I have read the Statement of Issues filed herein and  
24 the foregoing Stipulation and Waiver signed by Respondent. I am  
25 satisfied that further hearing for the purpose of requiring  
26 further proof as to the honesty and truthfulness of Respondent  
27 need not be called and that it will not be inimical to the  
public interest to issue a restricted prepaid rental listing  
service license to Respondent.

Therefore, IT IS HEREBY ORDERED that a restricted  
prepaid rental listing service license be issued to Respondent,  
if Respondent has otherwise fulfilled all of the statutory

Respondent as if the Department had received the original signed stipulation.

11-19-02

DATED

*Mark Verge*  
MARK VERGE  
Respondent

I have reviewed the stipulation and waiver as to form and content and have advised my client accordingly.

DATED

LOUIS R. CHAO  
Attorney for Respondent

I have reviewed the stipulation and waiver as to form and content and have advised my client accordingly.

DATED

*Charles M. Levy*  
CHARLES M. LEVY  
Attorney for Respondent

I have read the Statement of Issues filed herein and the foregoing stipulation and waiver signed by Respondent. I am satisfied that further hearing for the purpose of requiring further proof as to the honesty and truthfulness of Respondent need not be called and that it will not be inimical to the public interest to issue a restricted prepaid rental listing service license to Respondent.

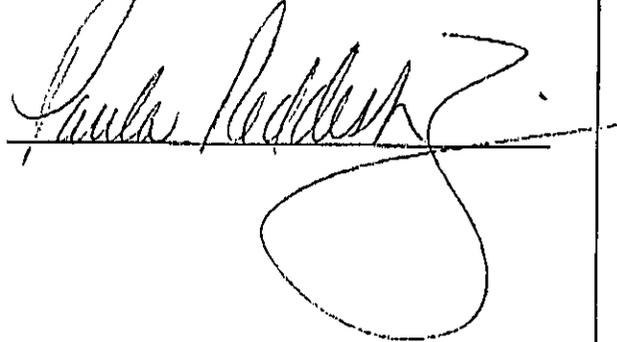
Therefore, IT IS HEREBY ORDERED that a restricted prepaid rental listing service license be issued to Respondent, if Respondent has otherwise fulfilled all of the statutory

1 requirements for licensure. The restricted license shall be  
 2 limited, conditioned, and restricted as specified in the  
 3 foregoing Stipulation and Waiver.

4 This Order is effective immediately.

5  
 6 IT IS SO ORDERED December 3, 2002.

7 PAULA REDDISH ZINNEMANN  
 8 Real Estate Commissioner

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SACTO

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

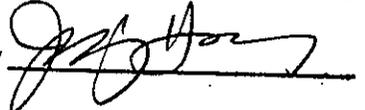
In the Matter of the Application of )  
MARK VERGE, )  
\_\_\_\_\_)  
Respondent

Case No. H-29551 LA

OAH No. L-2002070261

FILED  
NOV - 1 2002

DEPARTMENT OF REAL ESTATE

By 

NOTICE OF CONTINUED HEARING ON APPLICATION

To the above-named Respondent(s):

You are hereby notified that a hearing will be held before the Department of Real Estate at the Office of Administrative Hearings, 320 West Fourth Street, Suite 630, Los Angeles, CA 90013-1105 on THURSDAY, NOVEMBER 21, 2002, at the hour of 9:30 A.M., or as soon thereafter as the matter can be heard, upon the Statement of Issues served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

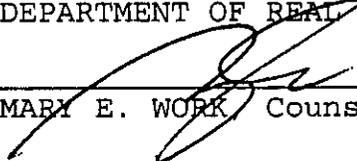
The burden of proof is upon you to establish that you are entitled to the license or other action sought. If you are not present nor represented at the hearing, the Department may act upon your application without taking evidence.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: November 1, 2002

By   
MARY E. WORK, Counsel

cc: Mark Verge  
Louis R. Chao, Esq.  
Sacto.  
OAH

SACTO

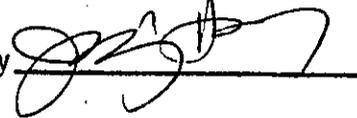
BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Application of ) Case No. H-29551 LA  
 )  
 MARK VERGE, ) OAH No. L-2002070261  
 )  
 \_\_\_\_\_ )  
 Respondent

**FILED**  
 JUL 30 2002  
 DEPARTMENT OF REAL ESTATE

NOTICE OF HEARING ON APPLICATION

By 

To the above-named Respondent(s):

You are hereby notified that a hearing will be held before the Department of Real Estate at the Office of Administrative Hearings, 320 West Fourth Street, Suite 630, Los Angeles, CA 90013-1105 on TUESDAY, SEPTEMBER 24, 2002, at the hour of 9:00 A.M., or as soon thereafter as the matter can be heard, upon the Statement of Issues served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

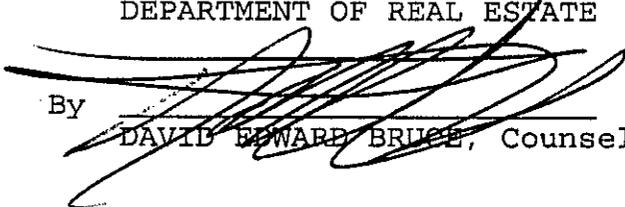
The burden of proof is upon you to establish that you are entitled to the license or other action sought. If you are not present nor represented at the hearing, the Department may act upon your application without taking evidence.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

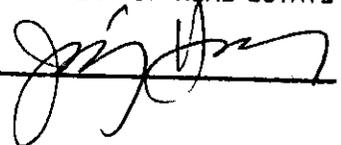
Dated: July 30, 2002

By   
 DAVID EDWARD BRUCE, Counsel

cc: Mark Verge  
 Louis R. Chao, Esq.  
 ✓ Sacto.  
 OAH

SACUO

1 DAVID EDWARD BRUCE, Counsel (SBN 212539)  
2 Department of Real Estate  
3 320 West Fourth Street, Suite 350  
4 Los Angeles, California 90013-1105  
5 Telephone: (213) 576-6905 (direct)  
6 (213) 576-6982 (office)

**FILED**  
JUN 13 2002  
DEPARTMENT OF REAL ESTATE  
By 

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Application of )	No. H- 29551 LA
12 MARK VERGE, )	<u>STATEMENT OF ISSUES</u>
13 Respondent. )	
14 _____ )	

15 The Complainant, Maria Suarez, a Deputy Real Estate  
16 Commissioner of the State of California, for Statement of Issues  
17 against MARK VERGE (Respondent), is informed and alleges in her  
18 official capacity as follows:

19 I

20 Respondent made application to the Department of Real  
21 Estate of the State of California (Department) for a prepaid  
22 rental listing service license on or about March 13, 2002.  
23 Respondent's application requested the use of the following  
24 fictitious business names: SouthBayLiving.com, South Bay Rental  
25 Connection, The Rental Connection - South Bay, Westside Home  
26

27 ///

1 Rentals, Westside Rental Connection, Westside Rental Connection -  
2 Goes Hollywood and WestsideRentals.com.

3 II

4 PRIOR DEPARTMENT ACTION

5 On or about February 22, 2002, a Desist and Refrain  
6 Order was issued against Respondent in Case Number H-29402 LA.  
7 The Desist and Refrain Order states that Respondent violated the  
8 Real Estate Law by engaging in the business of a prepaid rental  
9 listing service within the State of California without a prepaid  
10 rental listing service license or a real estate broker license as  
11 set forth in Paragraph III, below. These acts are in violation  
12 of Section 10167.2 of the California Business and Professions  
13 Code (Code).  
14

15 III

16 During a period of time from approximately April 2001  
17 and continuing to the present time, Respondent supplied or  
18 offered to supply prospective tenants, including but not  
19 necessarily limited to, Elaine Federici, Kenneth Gentry, Debbie  
20 Miskiel, Douglas Newman and Phillip Ihde, a Deputy Real Estate  
21 Commissioner of the State of California as well as others with  
22 access to Respondent's world wide web site at  
23 WestsideRentals.com, with listings of residential real properties  
24 for tenancy pursuant to an arrangement requiring prospective  
25 tenants to pay a fee in advance of, or contemporaneously with the  
26 supplying of, listings of residential properties for tenancy.  
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IV

The supplying of listings of residential real properties for tenancy for a fee is an act for which a prepaid rental listing service license or real estate broker license is required by Section 10167.2 of the Code.

V

Respondent's conduct, acts and/or omissions, as alleged in Paragraphs II through IV above, would constitute cause for denial of Respondent's application for a real estate broker license under Sections 475(a)(4), 480(a)(3), 10177(d) and (f) of the Code.

VI

Respondent's conduct, acts and/or omissions, as alleged in Paragraphs II through IV above, constitute matters that affect Respondent's qualifications for honesty and truthfulness and constitute cause for denial of Respondent's application for a prepaid rental listing service license under Section 10167.4 of the Code.

VII

The issuance of the Desist and Refrain Order, as alleged in Paragraph II above, constitutes cause for denial of Respondent's application for a prepaid rental listing service license under Section 10167.4 of the Code.

///  
///

1                   These proceedings are brought under the provisions of  
2 Section 10100 of the Code and Sections 11500 through 11528 of the  
3 California Government Code.

4                   WHEREFORE, the Complainant prays that the above-  
5 entitled matter be set for hearing and, that upon proof of the  
6 charges contained herein, that the Commissioner refuse to  
7 authorize the issuance of, and deny the issuance of, a prepaid  
8 rental listing service license to Respondent, MARK VERGE, and for  
9 such other and further relief as may be proper under other  
10 applicable provisions of law.

11  
12 Dated at Los Angeles, California,  
13 this 10<sup>th</sup> day of June, 2002.

14  
15   
16 Deputy Real Estate Commissioner  
17  
18  
19  
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24

25 cc: Mark Verge  
26       Maria Suarez  
27       ✓ Sac  
          RGD