

FILED
NOV 24 2009
DEPARTMENT OF REAL ESTATE

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-36011 LA
DIANA MARIE PITTS,)	L-2009061311
dba Golden State Rentals,)	
)	
Respondent.)	

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On May 29, 2009, an Accusation was filed in this matter against Respondent DIANA MARIE PITTS, dba Golden State Rentals.

On September 29, 2009, Respondent petitioned the Commissioner to voluntarily surrender her PRLS license pursuant to Section 10100.2 of the Business and Professions Code.

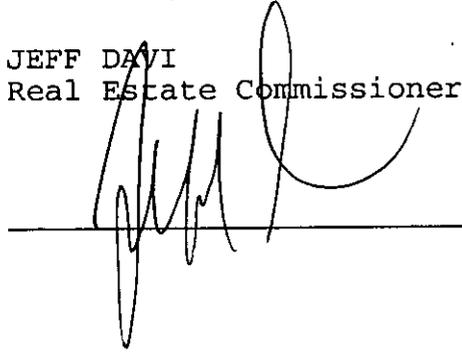
IT IS HEREBY ORDERED that Respondent DIANA MARIE PITTS's petition for voluntary surrender of her PRLS license is accepted as of the effective date of this Order as set forth below, based upon the understanding and agreement expressed in Respondent's Declaration dated September 29, 2009 (attached as Exhibit "A" hereto). Respondent's license certificate(s); pocket card(s) and any branch office license certificate(s) shall be

1 sent to the below listed address so that they reach the
2 Department on or before the effective date of this Order:

3 Department of Real Estate
4 Atten: Licensing Flag Section
5 P.O. Box 187000
6 Sacramento, CA 95818-7000

7 This Order shall become effective at 12 o'clock noon
8 on December 14, 2009.

9 DATED: 11-17-09.

10 JEFF DAVI
11 Real Estate Commissioner
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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-36011 LA
)	L-2009061311
DIANA MARIE PITTS, dba)	
Golden State Rentals,)	
)	
Respondent)	

DECLARATION

My name is DIANA MARIE PITTS, and I am currently licensed as a prepaid rental listing service licensee, pursuant to Business and Professions Code Section 10167 et seq., and/or have license rights with respect to said license. I am representing myself in this matter.

In lieu of proceeding in this matter in accordance with the provisions of the Administrative Procedure Act (Sections 11400 et seq., of the Government Code), I wish to voluntarily surrender my prepaid rental listing service license

1 issued by the Department of Real Estate ("Department"), pursuant
2 to Business and Professions Code Section 10100.2.

3 I understand that by so voluntarily surrendering my
4 license, I may be relicensed as a prepaid rental listing service
5 licensee only by petitioning for reinstatement pursuant to
6 Section 11522 of the Government Code. I also understand that by
7 so voluntarily surrendering my license, I agree to the
8 following:

9 1. The filing of this Declaration shall be deemed as
10 my petition for voluntary surrender.

11 2. It shall also be deemed to be an understanding and
12 agreement by me that I waive all rights I have to require the
13 Commissioner to prove the allegations contained in the
14 Accusation filed in this matter at a hearing held in accordance
15 with the provisions of the Administrative Procedure Act
16 (Government Code Sections 11400 et seq.), and that I also waive
17 other rights afforded to me in connection with the hearing such
18 as the right to discovery, the right to present evidence in
19 defense of the allegations in the Accusation and the right to
20 cross-examine witnesses.

21 3. I further agree that upon acceptance by the
22 Commissioner, as evidenced by an appropriate order, all
23 affidavits and all relevant evidence obtained by the Department
24 in this matter prior to the Commissioner's acceptance, and all
25 allegations contained in the Accusation filed in the Department
26 Case No. H-36011 LA may be considered by the Department to be
27 true and correct for the purpose of deciding whether to grant

1 relicensure or reinstatement pursuant to Government Code Section
2 11522.

3 4. I freely and voluntarily surrender all my licenses
4 and license rights under the Real Estate Law.

5 I declare under penalty of perjury under the laws of
6 the State of California that the above is true and correct and
7 that this declaration was executed September 29, 2009, at
8 Huntington Beach California.

9 

10 _____
DIANA MARIE PITTS

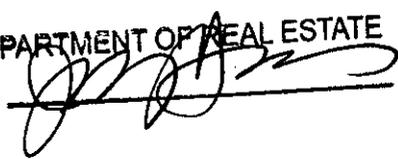
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1 MARTHA J. ROSETT, Counsel (SBN 142072)
2 Department of Real Estate
3 320 West Fourth Street, Ste. 350
4 Los Angeles, California 90013-1105

5 Telephone: (213) 576-6982
6 Direct: (213) 620-6430 (Direct)

FILED

MAY 29 2009

DEPARTMENT OF REAL ESTATE
BY: 

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) No. H-36011 LA
12)
13 DIANA MARIE PITTS, dba)
14 Golden State Rentals) A C C U S A T I O N
15)
16 Respondent.)

17 The Complainant, Maria Suarez, a Deputy Real Estate
18 Commissioner of the State of California, acting in her official
19 capacity, for cause of Accusation against DIANA MARIE PITTS,
20 doing business as Golden State Rentals, is informed and alleges
21 as follows:

22 1.

23 The Complainant, Diana Marie Pitts, a Deputy Real
24 Estate Commissioner of the State of California, makes this
25 Accusation in her official capacity.
26

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2.

1
2 DIANA MARIE PITTS ("Respondent"), is presently licensed
3 and/or has license rights under the Real Estate Law, Part 1 of
4 Division 4 of the California Business and Professions Code
5 ("Code") as a prepaid rental listing service licensee, pursuant
6 to Code Section 10167, et seq. ("PRLS").

7
8 3.

9 On or before March 19, 2007, Respondent became licensed
10 by the Department of Real Estate ("Department") as a PRLS. Said
11 license entitled Respondent to conduct business under the
12 fictitious business name Golden State Rentals. During the times
13 set forth herein below, Respondent operated a PRLS wherein
14 Respondent supplied prospective tenants with listing of
15 residential real properties for rent.

16
17 4.

18 Whenever reference is made in an allegation of this
19 Accusation to Respondent, or conduct, acts, and/or omissions of
20 Respondent, such reference shall include the party identified in
21 Paragraphs 2 and 3 above, and also includes the managers,
22 employees, agents and/or real estate licensees employed by or
23 associated with said party, who at all times herein mentioned
24 were engaged in the furtherance of the business or operations of
25 said party and who were acting within the course and scope of
26 their authority, agency or employment.

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1 5.

2 On September 26, 2007, Sebastian Castaneda
3 ("Castaneda") met with representatives of Golden State Rentals at
4 the Golden State Rentals office located at 5161 Pomona Blvd.
5 #206, Los Angeles, CA 90022. Castaneda entered into a PRLS
6 agreement with Respondent. Pursuant to the agreement, Castaneda
7 paid Respondent One Hundred and Eighty Dollars (\$180.00), in
8 exchange for Respondent's agreeing to provide Castaneda with
9 listings of suitable vacant rentals for ninety days and to make
10 every good faith effort feasible to ensure the accuracy of the
11 information provided. The agreement contained a page setting
12 forth the prospective tenant's right to a refund. Along with the
13 contract, Respondent provided Castaneda with a "membership card,"
14 which indicated that his three month contract expired on December
15 26, 2007.

16 6.

17 The contract called for Respondent to provide Castaneda
18 with listings for a one bedroom house or apartment to live in
19 with his wife and two children. Respondent did not provide
20 Castaneda with suitable listings. Castaneda obtained a rental
21 other than through the services of Respondent, and notified
22 Respondent of this. Castaneda requested a refund of the fee
23 paid. Respondent did not refund all or a portion of the fee
24 paid. Respondent closed up the office on Pomona Blvd. prior to
25 December 26, 2007, leaving Castaneda with no further contact
26 information.

27 ///

1 7.

2 Between May 17, 2007 and September 26, 2007, numerous
3 prospective renters entered into PRLS agreements with Respondent
4 and paid fees of \$180.00 each. The PRLS agreements were the same
5 as described above in Paragraph 6, and contained statements of
6 refund rights. Respondent provided each prospective renter with a
7 membership card good for ninety days. In addition to Mr.
8 Castaneda, renters who signed PRLS agreements when Respondent was
9 doing business at the office located at 5161 Pomona Blvd. in Los
10 Angeles include the following:

11 <u>Renter</u>	<u>Start Date</u>	<u>Exp. Date</u>
12 Rudy Fuentes	5/17/07	8/17/07
13 Antonia Magana-Ruiz	6/22/07	9/22/07
14 Mendoza-Avila	9/26/07	12/26/07

15 8.

16 Prospective renters Fuentes, Magana-Ruiz and Mendoza-
17 Avila each received listings of rentals for locations which were
18 unsuitable, already rented, not on the market, or which contained
19 fictitious addresses. Fuentes, Magana-Ruiz, and Mendoza-Avila
20 each requested but did not receive refunds. Fuentes, Magana-Ruiz
21 and Mendoza-Avila each discovered that in October 2007,
22 Respondent and its representatives closed the office on Pomona
23 Blvd. and disconnected the phone without notifying any of them of
24 new contact information.

25 9.

26 On May 9, 2008, prospective tenant Betsy Mendoza
27 ("Mendoza") met with Respondent's representatives at an office

1 located at 2705 Atlantic Blvd. #F in Monterey Park, CA, 91705,
2 and entered into a PRLS agreement with Respondent. Pursuant to
3 the agreement, Mendoza paid Respondent One Hundred and Eighty
4 Dollars (\$180.00), in exchange for Respondent's agreeing to
5 provide Castaneda with listings of suitable vacant rentals for
6 ninety days and to make every good faith effort feasible to
7 ensure the accuracy of the information provided. The agreement
8 contained a page setting forth the prospective tenant's right to
9 a refund. Along with the contract, Respondent provided Ms.
10 Mendoza with a "membership card," which indicated that her three
11 month contract expired on August 9, 2008.

12 10.

13 Respondent provided Ms. Mendoza with listings for the
14 first couple of weeks. She looked at a few places on the lists,
15 but found most units to be either not available or to or not to
16 be as described in the listing. Some of the property owners told
17 Ms. Mendoza that Respondent was not authorized to list their
18 rental units. After a few weeks, Ms. Mendoza tried to reach
19 Respondent on the phone for her weekly listing and discovered
20 that the phone had been disconnected. She drove by the office on
21 Atlantic Boulevard in Monterey Park and discovered it was closed.
22 Respondent did not notify Ms. Mendoza that the office was closing
23 and did not provide new contact information. Ms. Mendoza did not
24 receive three months of listing and did not receive a refund.

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11.

The conduct, acts and/or omissions of Respondent, as set forth above, in providing listings to prospective tenants which were not suitable or unavailable, where not as described or advertised by Respondent, and/or for which Respondent had not obtained permission to list the property was in violation of Code Section 10167.11(b) and constitutes grounds to revoke or suspend Respondent's PRLS license pursuant to Code Section 10167.12.

12.

The conduct, acts and/or omissions of Respondent, as set forth above, in failing to refund all or portions of advance fees paid for listings as required under Code Section 10167.10(a) constitutes grounds to revoke or suspend Respondent's PRLS license pursuant to Code Section 10167.12.

13.

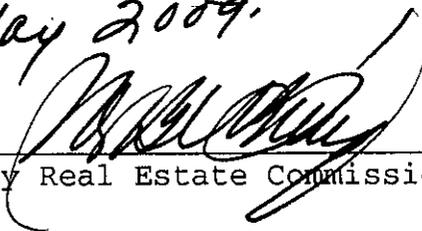
The conduct, acts and/or omissions of Respondent as set forth above constitutes fraud or dishonest dealing and/or negligence and is grounds to revoke or suspend Respondent's PRLS license pursuant to Code Sections 10177(g), 10177(d) and/or 10176(i).

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1 WHEREFORE, Complainant prays that a hearing be
2 conducted on the allegations of this Accusation and that upon
3 proof thereof, a decision be rendered imposing disciplinary
4 action against the license and license rights of Respondent DIANA
5 MARIE PITTS under the Real Estate Law (Part 1 of Division 4 of
6 the Business and Professions Code) and for such other and further
7 relief as may be proper under other applicable provisions of law.
8

9 Dated at Los Angeles, California

10 this 29th day of May 2009.

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13 _____
14 Deputy Real Estate Commissioner
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22 cc: Diana Marie Pitts, dba Golden State Rentals
23 Maria Suarez
24 Sacto.
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