

BEFORE THE BUREAU OF REAL ESTATE

**FILED**

STATE OF CALIFORNIA

JUL 06 2015

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**BUREAU OF REAL ESTATE**

By 

*In the Matter of the First Amended Accusation of*

APARTMENT HUNTERS, INC., and  
STEVEN K. SHAYAN, as a designated officer  
for Apartment Hunters, Inc.,

*(Respondents)*

Case No. H-39404 LA  
OAH No. 2014050485

*In the Matter of the Accusation of*

APARTMENT HUNTERS, INC.,  
a Prepaid Rental Listing Services (PRLS)  
corporation,

*(Respondent)*

Case No. H-36458 LA  
OAH No. 2014060980

DECISION

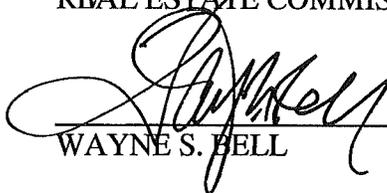
The Proposed Decision dated May 27, 2015, of the Administrative Law Judge of the Office of Administrative Hearings, is hereby adopted as the Decision of the Real Estate Commissioner in the above-entitled matter.

This Decision shall become effective at 12 o'clock noon on JUL 27 2015.

IT IS SO ORDERED

7/1/2015

REAL ESTATE COMMISSIONER

  
WAYNE S. BELL

BEFORE THE  
BUREAU OF REAL ESTATE  
STATE OF CALIFORNIA

In the Matter of the Accusation (Order  
Suspending Restricted License) Against:

APARTMENT HUNTERS, INC.,  
a Prepaid Rental Listing Service (PRLS)  
corporation,

Respondent.

Case No. H-36458 LA

OAH No. 2014060980

In the Matter of the First Amended Accusation  
Against:

APARTMENT HUNTERS, INC., and  
STEVEN K. SHAYAN, as designated officer  
for Apartment Hunters, Inc.,

Respondents.

Case No. H-39404 LA

OAH No. 2014050485

**PROPOSED DECISION**

These consolidated matters were heard by Eric Sawyer, Administrative Law Judge (ALJ), Office of Administrative Hearings, State of California, on February 25, 2015, in Los Angeles.<sup>1</sup>

Lissete Garcia, Real Estate Counsel, represented Complainants.

Jilbert Tahmazian, Esq., represented Respondents Apartment Hunters, Inc. and Steven K. Shayan.

The record was held open after the hearing concluded so the parties could submit closing argument briefs, which were timely received and marked for identification as described in orders the ALJ issued describing the events that transpired while the record remained open. The record was closed and the matter submitted on April 30, 2015.

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<sup>1</sup> These two matters were consolidated for hearing on February 13, 2015, by order of Presiding Administrative Law Judge Susan Formaker, without objection.

## FACTUAL FINDINGS

### *Parties and Jurisdiction in Case No. H-39404 LA*

1. Complainant Maria Suarez brought the Accusation in Bureau of Real Estate (Bureau) case number H-39404 LA (OAH No. 2014050485) in her official capacity as a Deputy Real Estate Commissioner. Respondents timely submitted a request for a hearing to contest the allegations of the Accusation.

2. While the record remained open after the hearing concluded, Complainant was given leave to file a First Amended Accusation and Respondents were allowed to file an opposition to any such amended pleading. (See ALJ's order, Ex. 13.) On April 17, 2015, Complainant filed the First Amended Accusation. On April 27, 2015, Respondents filed an opposition to the First Amended Accusation. The record was thereafter closed. (See ALJ's order, Ex. 14.) Respondents filed another opposition to the First Amended Accusation and requested another day of hearing to respond. The ALJ denied Respondents' request and the record remained closed.<sup>2</sup> (See ALJ order, Ex. 15.)

3. In 2007, Respondent Apartment Hunters, Inc. (AHI) was issued a prepaid rental listing service (or PRLS) license, as a corporation. As a result of the prior disciplinary action described in more detail below, Respondent AHI was issued, upon its application, a restricted PRLS license pursuant to, and subject to, the provisions of Business and Professions Code section 10156.7. However, Respondent AHI's license expired on March 12, 2014, and was not subsequently renewed.<sup>3</sup>

4. Respondent Steven K. Shayan (Respondent Shayan) is the president of and designated officer for Respondent AHI. Respondent Shayan has never been licensed by the Bureau in any capacity.

### *Parties and Jurisdiction in Case No. H-36458 LA*

5. Respondent AHI's PRLS license was restricted as a result of discipline issued after an accusation filed against it in Bureau case number H-36458 LA. The order restricting AHI's PRLS license in that matter became effective on February 23, 2012, and included a condition whereby the restricted license could be suspended prior to a hearing by order of the Real Estate Commissioner (Commissioner). As a result of the above-described Accusation filed in Bureau case number H-39404 LA, the Commissioner issued an Order Suspending Restricted Real Estate License (Suspension Order) against Respondent AHI, also bearing Bureau case number H-36458 LA (OAH No. 2014050485), on May 8, 2014.

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<sup>2</sup> The events that transpired after the hearing, and the documents filed by the parties during that time, are described in more detail in exhibits 13-15.

<sup>3</sup> The Bureau retains jurisdiction to seek disciplinary action against this expired license pursuant to Business and Professions Code section 10103.

6. Respondent AHI requested a stay of the Suspension Order. The Bureau denied that request. Respondent AHI thereafter timely requested a hearing to contest the Suspension Order. Respondent AHI's restricted PRLS license has been suspended since May 8, 2014.

*Prior Discipline*

7. Respondent AHI supplied prospective tenants with listings of residential real properties for rent pursuant to an arrangement under which the prospective tenants were required to pay a fee in advance of, or contemporaneously with, supplying listings.

8. On February 11, 2010, the Bureau filed the aforementioned accusation against Respondent AHI in Bureau case number H-36458 LA. The matter was heard by an administrative law judge on October 20, 2010, and a Proposed Decision was issued on December 29, 2010, in which it was recommended that Respondent AHI's license be suspended for six months. The Proposed Decision was not adopted.

9. On September 30, 2011, a Decision After Rejection in said case became effective. In that Decision, the Acting Commissioner concluded that Respondent AHI's license should be revoked because it had violated the following provisions of the Business and Professions Code:

a. sections 10167.2, 10167.3 and 10167.12, by engaging in the business of a prepaid rental listing service under two fictitious business names without having a valid license to operate under those names;

b. sections 10167.9 and 10167.12, by using PRLS contracts not previously approved by the Commissioner;

c. section 10167.12, by continuing to operate as a PRLS business under two unlicensed fictitious business names after the Department had issued a Desist and Refrain Order demanding that it stop doing so;

d. sections 10167.11 and 10167.12, by not confirming the availability of property for tenancy during the four-day period immediately preceding the dissemination of the listing information; and

e. sections 10167.10 and 10167.12, by failing to timely provide refunds of fees paid by prospective tenants for PRLS rental lists that did not meet contracted specifications.

10. On February 3, 2012, the Acting Commissioner issued a Decision After Reconsideration, in which she maintained the same findings and conclusions made in the Decision After Rejection. However, the Acting Commissioner set aside the revocation and granted Respondent AHI a restricted PRLS license, which included a condition that it may be suspended prior to a hearing by order of the Commissioner on satisfactory evidence that

Respondent AHI violated provisions of the Real Estate Law, the Subdivided Lands Law, Regulations of the Commissioner or conditions attaching to the restricted license.

11. According to the terms of the restricted license, Respondent AHI was not eligible to apply for the issuance of an unrestricted license or for removal of any of the terms or conditions of said restricted license until two years had elapsed from the effective date. It was not established that Respondent AHI had submitted such a request at any time.

*Respondents' Use of Information from Hometeam Property Management*

12. On June 7, 2013, the Bureau received a complaint from Mr. Yo Wakita, a leasing manager and co-owner of Hometeam Property Management (Hometeam). Hometeam is a licensed real estate corporation that performs property management services for property owners in Southern California, particularly the San Diego area. Hometeam lists available rental properties on the Multiple Listing Service (MLS), on Hometeam's own website, and on various syndicated real estate marketing websites, such as Craigslist, Trulia, and Zillow.

13. Mr. Wakita submitted his complaint to the Bureau after he discovered that Respondents had, without Hometeam's authorization, used copyrighted pictures and information about four separate rental properties listed on Hometeam's website; and, without written or oral permission, posted said pictures and information about the properties on different websites including, but not limited to, Trulia and Zillow. Specifically, Respondents took photographs of the four properties displayed on Hometeam's website, eliminated the "Hometeam" watermark inserted on the photographs by cropping and shrinking the borders of the photographs, and placed an "ApartmentHunterZ" watermark on the photographs. The photographs and information from Hometeam's website concerning the four properties, as well as AHI's website address, were placed on promotions for the properties found on the other websites.

14. Hometeam had an exclusive listing with the landlords of the four properties in question, which were located in Chula Vista as follows: one on Thompson Avenue; one of Reisling Terrance; and two on Stanislaus Drive. Respondents listed an incorrect rental amount for one of the properties, although the rest of the information was generally the same as that on Hometeam's website for the four properties.

15. A person viewing Respondents' advertisements for the four properties on the Trulia and Zillow websites would initially believe Respondents were authorized to solicit prospective tenants for those properties on behalf of the property owners, managers, or any authorized agent. However, as established by the testimony of AHI employee Kevin Shayan, the brother of Steven Shayan, somebody viewing these four listings on either another website or AHI's would receive access to the property address and landlord contact information only when they paid a fee to AHI. Once that was done, the prospective tenant would be referred only to Hometeam, not AHI. Respondents only receive compensation on such listings by customers who pay Respondents a subscription fee. Respondents do not participate in renting out the properties and receive no compensation when the properties are leased.

16. A. Mr. Wakita was convincing in his testimony that at no time did Hometeam provide consent to Respondents to list the four properties in question on any website. Mr. Wakita never gave any such verbal consent. He checked his company's e-mail system and could find no e-mails from Respondents during the relevant time. His testimony was corroborated by a screenshot of his company's received e-mail file during the relevant time that shows nothing received from Respondents.

B. Mr. Wakita was also convincing in his testimony that his only partner, his brother, did not have access to the e-mail system at the time and that his brother did not give any consent to Respondents.

17. Respondents' evidence supporting their contention that they had obtained consent from Hometeam to list the four properties was not convincing. Kevin Shayan testified that AHI would have sent Hometeam an e-mail in May 2013 advising that it could promote the properties in question and that AHI would have done so only if someone from Hometeam clicked on a consent link on that e-mail. However, Mr. Shayan testified that Respondents could not produce that e-mail because such messages had been purged from its system three or four months after being sent. Since the Accusation in Bureau case number H-39404 LA was filed and served well after that time, Mr. Shayan testified there was no reason for Respondents to save the e-mail in question. However, Mr. Shayan's testimony was undercut by several e-mails he presented during the hearing between he and Trulia which were generated from March through June 2013, well before the time he testified AHI's e-mails had been purged. No explanation was presented why those e-mails would be available, but not an e-mail sent to Hometeam in May 2013. The only tangible evidence presented by Respondents concerning an e-mail received from Hometeam was a copy of an Excel spreadsheet in which such an e-mail was described, along with a "Unique ID" number for said e-mail. However, that document does not purport to be a screenshot of information contained in an e-mail system, but rather information inputted into the spreadsheet by another person. The document is not convincing.

18. At no time did Respondents contact and obtain consent from the landlords owning the four properties in question to promote them on the other websites. Kevin Shayan conceded in his testimony that no such efforts were taken. Instead, he testified that the way in which consent would have been obtained from Hometeam should be deemed as consent from the actual landlords as well. For that reason, it was established that Respondents did not confirm the availability of the four properties for tenancy during a four-day period immediately preceding their dissemination of the listing information.

19. Respondents contend but failed to establish that either Trulia or Zillow served as a constructive or authorized agent on behalf of Hometeam or the four property owners. It is true that Mr. Wakita admitted on cross-examination that he has used Trulia to upload property listings, and that he has not read Trulia's terms and conditions of doing so. However, Mr. Wakita did not testify that he uploaded the four properties in question onto Trulia, nor did he testify that he agreed to allow Trulia to be an authorized agent for purposes of the four properties in question. In fact, after seeing Respondents' promotions of the four

properties in question, Mr. Wakita complained to both Trulia and Zillow. Both websites removed Respondents' promotions of the four properties in question. Those events indicate that Mr. Wakita had not authorized Respondents or Trulia to list the four properties in question. In any event, Respondents agree that they never contacted any of the property owners, and they presented no documentation showing that Trulia or Zillow were appointed to act as an authorized agent with regard to the four properties in question.

20. Mr. Wakita conceded that all of the four properties were rented out by Hometeam. No evidence indicates that Respondents had interfered with Hometeam's efforts in that regard. Mr. Wakita expressed concern that Respondents' promotions duplicating what Hometeam had placed on its website would cause confusion in the market that could interfere with Hometeam's business. Based on the evidence presented in this case, that concern at this time is speculative.

#### *Respondents' Vacant Office*

21. Bureau Special Investigator David Huang was assigned to investigate Mr. Wakita's complaint. While doing so, Special Investigator Huang tried to contact Respondents. He could not reach them by telephone, so he decided to visit their office.

22. On August 12, 2013, Special Investigator Huang went to the address listed by Respondents with the Bureau as their main office and mailing address: 201 N. Robertson Blvd., Suite 202, in Beverly Hills. Special Investigator Huang discovered that the office suite there previously used by Respondents had been vacant for some time.

23. According to Kevin Shayan, Respondents moved from their designated address to an office in Orange County about three years ago. However, Respondents failed to notify the Commissioner of a new main office or mailing address. Kevin Shayan testified that Respondents had mailed such a notification to the Bureau, but he failed to corroborate that testimony, such as by presenting a copy of a notification kept in a business file. The Bureau's official license history record shows no such notification was received. Kevin Shayan also testified that Respondents submitted new PRLS contracts to the Commissioner for approval which contained the new address in Orange County. However, his testimony was self-serving, uncorroborated and for those reasons not persuasive.

24. Mr. Shayan conceded in his testimony that AHI is a virtual office, in that AHI employees work mainly from their homes over the internet. Some of the AHI employees are located overseas in Lithuania and Russia. The new office address in Orange County is simply a place to receive mail and service of process. There are no desks or offices or employees there. Thus, if Respondents' PRLS consumers tried to visit the office to complain or seek other information, there would be no AHI employee there to help them.

25. Respondents' essentially conduct all of their business over the internet and telephone lines. Kevin Shayan testified that if a consumer complains and asks for a refund, they receive it, "no questions asked." Thus, he testified there is no need for an employee to

be located at Respondents' physical address. He also testified that personnel at the office in Orange County can accept service of process or official Bureau requests, if need be.

### *Unlicensed Activity*

26. Other than unsuccessfully requesting a stay, Respondents have ignored the Suspension Order. Kevin Shayan was clear in his testimony that Respondents have continued to engage in PRLS activity after receiving the Suspension Order on or about May 8, 2014, and have continued doing so to the present time. Respondent Shayan was not licensed in any capacity by the Bureau during this period.

27. Respondents contend, but did not establish, that the Bureau knew at all times relevant that they were continuing to engage in PRLS activities after the restricted license was suspended and/or expired. If anything, the record created in this case tends to indicate the Bureau was not aware of such activity until Kevin Shayan testified as described above during the hearing.

28. Kevin Shayan testified that Respondents continued to engage in PRLS activity after AHI's restricted license was suspended because they had not yet had an opportunity to challenge the Suspension Order, presumably referring to the hearing. Respondents thereafter contended in their opposition to the First Amended Accusation that they continued to engage in PRLS activity after the Suspension Order was issued because they "would be cut off at the knees if they stopped their fifteen year business and left with no livelihood." (Ex. G, at p. 5.) They also intimated that their continued engagement in licensed activity after the restricted license was suspended and/or expired was justified because the Bureau has engaged in "relentless and ruthless efforts to shut Respondent's business down." (*Id.*)

29. Respondents did not address the fact that AHI's restricted license expired on March 12, 2014. They did not explain why the restricted license was not subsequently renewed.

### *Costs*

30. The Bureau incurred reasonable costs in the investigation and prosecution of this matter in the amount of \$2,859.90.

31. The Bureau submitted a copy of the documents evidencing its costs to Respondents before the hearing. Respondents' counsel sent to the Bureau legal objections to said costs before the hearing. Respondents' objections have been considered and are overruled. Those objections did not include that the pleadings involved in this case do not contain a prayer for costs.

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## LEGAL CONCLUSIONS

### *Cause for Discipline Generally*

1. Pursuant to Business and Professions Code section 10167.12,<sup>4</sup> subdivision (a)(1), the Commissioner has authority to discipline a PRLS licensee for violating Article 2.3 of the Real Estate Law, which pertains to PRLS activity. Pursuant to section 10177, subdivision (k), the Commissioner has authority to discipline any licensee under the Real Estate Law for violating the terms of an order granting a restricted license. Pursuant to section 10177, subdivision (d), the Commissioner also has authority to discipline any licensee for willfully disregarding or violating the Real Estate Law or the regulations promulgated to enforce it.

### *Cause for Discipline for False, Misleading or Deceptive Advertisements*

2. Section 10167.11, which pertains to PRLS activity, states in relevant part:

“[I]t shall be a violation of this article for any licensee or any employee or agent of a licensee to do the following:

[¶] . . . [¶]

(b) Refer a property to a prospective tenant knowing or having reason to know that:

(1) The property does not exist or is unavailable for tenancy.

(2) The property has been described or advertised by or on behalf of the licensee in a false, misleading, or deceptive manner.

(3) The licensee has not confirmed the availability of the property for tenancy during the four-day period immediately preceding dissemination of the listing information.

(4) The licensee has not obtained written or oral permission to list the property from the property owner, manager, or other authorized agent.”

3. A. In this case, it was established that Respondents violated section 10167.11, subdivision (b)(2), by promoting and advertising the four properties in question in a false, misleading or deceptive way. By taking information about the four properties from Hometeam’s website, changing it, and placing it on AHI’s website, Respondents misled the viewing public into believing that Respondents were authorized to solicit prospective tenants for those properties. It was only after a prospective tenant paid a subscription fee to Respondents that they would learn otherwise. In addition, Respondents violated section

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<sup>4</sup>All further statutory references are to the Business and Professions Code.

10167.11, subdivision (b)(4), in that they had not obtained written or oral permission to list the four properties in question on their website by the owner, manager or other authorized agent of the properties.

B. Respondents' argument that they directly obtained authorization from Hometeam to use the information was not credible. So too was their argument that somehow Trulia became a "constructive authorized agent" of either Hometeam or the property owners simply because Hometeam had used Trulia in the past to upload information about other properties and Respondents used Trulia to upload information about the four properties in question. That argument is further undercut by the fact that Respondents did not verify at any time the availability of Hometeam's properties for rent, which they would have been required to do four days before they placed information about the four properties on the Trulia and Zillow websites, pursuant to section 10167.11, subdivision (b)(3).

4. Cause exists for discipline of Respondents' real estate license and/or license rights pursuant to sections 10167.12, subdivision (a)(1), and 10177, subdivision (k), in that it was established that Respondents violated section 10167.11, subdivision (b), which is contained in Article 2.3 of the Real Estate Law. By violating the Real Estate Law, Respondents violated a term and condition of AHI's restricted PRLS license. (Factual Findings 1-20.)

#### *Cause for Discipline for Office Abandonment*

5. A. Pursuant to section 10167.5, which is part of Article 2.3 that specifically applies to PRLS licensees, "a license issued for a particular location shall automatically expire 60 days after the time the business conducted at such location ceases for any reason to be under the charge of and managed by the designated agent of record with the department, unless within such 60-day period the licensee submits written notice of the new designated agent to the department." Section 10167, subdivision (c), defines "location" as "the place, other than main or branch office of a real estate broker, where a prepaid rental listing service business is conducted."

B. Section 10162 provides, "Every licensed real estate broker shall have and maintain a definite place of business in the State of California which shall serve as his office for the transaction of business. This office shall be the place where his license is displayed and where personal consultations with clients are held. *No real estate license authorizes the licensee to do business except from the location stipulated in the real estate license as issued or as altered pursuant to Section 10161.8.*" (Emphasis added.) Section 10162 is part of Article 2 of Chapter 3 of the Real Estate Law.

C. California Code of Regulations, title 10, section (Regulation) 2715 states that whenever there is a change in the location or address of the principal place of business or of a branch office of a broker, the broker must notify the Commissioner thereof no later than the next business day following the change.

D. Regulation 2710, subdivision (c), provides that notices of changes in license information or status are to be submitted to the Bureau on prescribed forms not later than five days after the effective date of the change unless otherwise provided in the applicable statute or regulation. Regulations 2710 and 2715 are part of Article 3 of Chapter 6 of the California Code of Regulations that pertain to the Real Estate Law.

6. It was established that Respondents violated sections 10167.5 and 10162, as well as Regulations 2710 and 2715, when they vacated their designated address of record with the Bureau and failed to notify the Commissioner in writing of that change over the course of three years. (Factual Findings 1-25.)

7. Respondents contend but failed to establish that they had in fact submitted written notification of their change of address to the Commissioner.

8. A. Respondents' argument that section 10162 and Regulation 2715 only apply to a licensed real estate broker or salesperson, but not to PRLS licensees, was not persuasive. The statutes and regulations contained Article 2 of Chapter 3 of the Real Estate Law generally apply to those engaged in PRLS activities, either those who have a PRLS license or licensed real estate brokers engaged in PRLS activity.

B. Respondents cite to section 10167.16, which provides that a person or corporation who has a PRLS license but is not engaged in acts for which a real estate license is required under Article 1 (brokers, salespersons, etc.) shall be subject to the provisions of Chapters 1 and 2, and sections 10450, 10452, 10453 and 10454. Since Respondents only have a PRLS license, but not a license issued under Article 1, they argue they are not subject to any of the provisions of Chapter 3, which includes section 10162. Respondents also argue that because Regulation 2715 only refers to brokers, it only applies to brokers.

C. While at face value Respondents' argument has some traction, a deeper review indicates that Respondents' interpretation of section 10167.16 is wrong and that the statute was not intended to exclude application of the provisions of Chapter 3 to PRLS licensees. First, section 10167.16 does not specifically exclude the provisions of Chapter 3 from application to PRLS licensees. Next, the argument that section 10162 does not apply to PRLS licensees (as opposed to real estate brokers engaged in PRLS activity) would lead to the absurd result that a PRLS licensee would not be required to provide the Commissioner with written notice of a change to their address of record. Moreover, Respondent AHI was issued a restricted PRLS license pursuant to section 10156.7 and able to obtain such a license as a corporate entity pursuant to section 10158. While those provisions are contained in Chapter 3, there are no such provisions in Chapters 1 or 2 allowing for a restricted license or for a corporate licensee. It is hard to conclude that the general provisions of Chapter 3 do not apply to Respondents when the very license they applied for and received was issued under Chapter 3. Ironically, Article 2.3, which contains the provisions specifically applying to PRLS activity, is contained within Chapter 3. Finally, the last sentence of section 10162 provides that "[n]o real estate license authorizes the licensee to do business except from the

location stipulated in the real estate license as issued or as altered pursuant to Section 10161.8.” That excerpt demonstrates an intention for that statute to apply to all licensees.

D. In any event, Respondents do not argue that section 10167.5 or Regulation 2710 do not apply to them. Thus, even assuming *arguendo* that Regulation 2715 does not apply to Respondents, they apparently agree that Regulation 2710 does. Regulation 2710 requires prompt written notification of a change in license status or information. As section 10167.5 specifically references both the identity of the designated agent of record and the location where the PRLS activity managed by that agent is to occur, a change in the designated address of record by the designated agent (here Respondent Shayan) can reasonably be construed as the sort of change of information contemplated by Regulation 2710. Thus, section 10167.5 and Regulation 2710 required Respondents to advise the Commissioner in writing promptly after they changed their physical office location from Los Angeles to Orange County.

9. Respondents’ above-described violation of the Real Estate Law constitutes cause for discipline of their real estate license and/or license rights pursuant to sections 10167.12, subdivision (a)(1), and 10177, subdivision (k). (Factual Findings 1-25.)

#### *Cause for Unlicensed Activity*

10. Section 10167.2 prohibits any person from engaging in the business of prepaid rental listing service unless licensed in that capacity or licensed as a real estate broker. Section 10130 makes it unlawful for any person to act as a real estate broker or real estate salesperson without first obtaining the requisite license. A reasonable interpretation of the interplay between sections 10130 and 10167.2 is that a person or corporate entity may only be engaged in PRLS activity if a PRLS license pursuant to Article 2.3 of Chapter 3 of the Real Estate Law is first obtained or, if not, a real estate broker’s license is first obtained pursuant to Article 1 of Chapter 3.

11. It was established that Respondents’ refused to abide by the Suspension Order issued on May 8, 2014, and that they willfully continued to engage in the business of prepaid rental listing service while Respondent AHI’s restricted PRLS license was suspended, had expired, and Respondent Shayan was not licensed in any capacity. That unlicensed activity violated sections 10167.2 and 10130, because at the relevant times Respondents did not have a valid PRLS license or real estate broker’s license.

12. The violation of sections 10167.2 and 10130 were willful and deliberate violations of the Real Estate Law and the terms and conditions of Respondent AHI’s restricted PRLS license and thereby constitute cause for discipline of Respondents’ real estate license or licensing rights under sections 10167.12, subdivision (a)(1), and 10177, subdivisions (d) and (k). (Factual Findings 1-29.)

13. Respondents do not dispute that they engaged in unlicensed activity. They only provided excuses for doing so. However, none of their excuses are valid justification for breaking the law. As the holder of a restricted license pursuant to section 10156.7, subdivision (b), Respondents were subject to an immediate suspension before a hearing could be convened. After unsuccessfully seeking a stay of the Suspension Order from the Commissioner, Respondents could have sought relief in Superior Court or requested an expedited hearing date of this matter. They did neither. Instead, they decided to willfully violate a legal order from the Commissioner. Moreover, Respondents allowed their restricted license to expire and failed to renew it. They have not explained how they could legally operate with an expired license. Whether or not the Bureau knew that Respondents continued to operate after the Suspension Order was issued is beside the point. In any event, it was not established that the Bureau knew Respondents were violating the Suspension Order before the hearing commenced.

#### *Disposition*

14. First Amended Accusation. Since cause for discipline has been established in this case, a determination must be made on the level of discipline warranted. Respondents received their PRLS license in 2007. Just a few years later, they were subject to serious discipline for violating the Real Estate Law, which resulted in a restricted PRLS license being issued in 2012. Slightly over one year later, Respondents engaged in the deceptive advertising of the properties listed by Hometeam. Unbeknownst to the Bureau, Respondents had abandoned their designated office of record even before they received their restricted PRLS license and failed to advise the Commissioner of their new location. Respondents essentially ignored the Commissioner's Suspension Order, allowed their restricted PRLS license to expire, and thereafter engaged in unlicensed activity. Respondents have been unapologetic for any of this misconduct. Instead, Respondents present a picture of a licensee with little regard for the Commissioner and no desire to comply with the rules and regulations established by the Commissioner. Respondents have presented no evidence indicating such misconduct will not occur again soon. Under these circumstances, an order revoking the restricted PRLS license is warranted for the protection of the public. (Factual Findings 1-29; Legal Conclusions 1-13.)

15. Suspension Order. The Suspension Order was premised only on the allegations concerning Respondents' use of the information taken from the Hometeam website. Since cause for discipline based on those allegations was established, there is cause to sustain the Suspension Order. Since Respondents' restricted PRLS license will be revoked, no further action on the Suspension Order is necessary. (Factual Findings 1-20; Legal Conclusions 1-4.)

#### *Costs*

16. A. Section 10106 authorizes the Commissioner to request an order in resolution of any disciplinary proceeding directing a licensee found to have committed a violation of the Real Estate Law to pay the reasonable costs of the investigation and enforcement of the case. In an action against a licensed corporate entity, a costs order can be

against the corporation. (*Id.*) Here, it was established that Respondents violated the Real Estate Law, and that the Bureau incurred reasonable costs in the investigation and prosecution of this matter in the amount of \$2,859.90. (Factual Finding 30.)

B. Curiously, the Accusation, First Amended Accusation and Suspension Order do not contain a prayer for costs. Nonetheless, prior to the hearing, the Bureau submitted copies of documentation evidencing its costs to Respondents. With notice that the Bureau would be seeking such costs at the hearing, Respondents objected to the costs on grounds other than the absence of a prayer for such relief in the operative pleadings. Respondents' substantive objections to the costs have been overruled. It can be construed from these events that the Bureau has made a request for costs, that Respondents were provided with notice of said request as well as the amount of the costs sought, and that they did not object on procedural grounds. Under these unusual circumstances, an order for costs is warranted. (Factual Findings 30-31.)

C. While a costs order can be made against Respondent AHI, as a licensed corporate entity, section 10106 does not appear to support a cost order against a non-licensed designated officer such as Respondent Shayan. The Bureau has not provided any authority supporting the same. Therefore, Respondent Shayan will not be subject to a costs order.

#### ORDERS

The Order Suspending Restricted Real Estate License issued on May 8, 2014, to Respondent Apartment Hunters, Inc. is sustained.

All licenses and licensing rights of Respondents Apartment Hunters, Inc. and Steven K. Shayan under the Real Estate Law are revoked.

Respondent Apartment Hunters, Inc. shall pay costs of the investigation and prosecution of this matter in the amount of \$2,859.90 to the Bureau of Real Estate within 30 days of the effective date of this decision.

DATED: May 27, 2015



ERIC SAWYER,  
Administrative Law Judge  
Office of Administrative Hearings

FLAG

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**FILED**

JUN 25 2014

BUREAU OF REAL ESTATE

By Now

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

11 In the Matter of the Accusation of ) CalBRE No. H-36458 LA  
12 )  
13 APARTMENT HUNTERS, INC., )  
13 a Prepaid Rental Listing )  
14 Service (PRLS) corporation, )  
14 Respondent. )  
15 )

ORDER DENYING REQUEST TO STAY ORDER SUSPENDING  
RESTRICTED REAL ESTATE LICENSE

16  
17  
18  
19 On February 11, 2010, the Bureau (formerly Department)  
20 of Real Estate ("Bureau") filed and served an Accusation in  
21 Bureau Case No. H-36458 LA against Respondent APARTMENT HUNTERS,  
22 INC. ("Respondent"). On February 3, 2012, a Decision after  
23 Rejection ("DAR") was filed in Bureau Case No. H-36458 LA. The  
24 DAR revoked the PRLS license of Respondent APARTMENT HUNTERS,

H-36458 LA - ACCUSATION OF APARTMENT HUNTERS, INC.  
ORDER DENYING RESPONDENT'S REQUEST TO STAY ORDER SUSPENDING RESTRICTED REAL  
ESTATE LICENSE

1 INC.; however, with the right to issuance of a restricted PRLS  
2 license. On or about February 23, 2012, Respondent was issued a  
3 restricted PRLS corporation, PRLS ID PRA 02044.

4 On April 11, 2014, the Bureau filed a new Accusation  
5 against Respondent in Bureau Case No. H-39404 LA. The  
6 Accusation alleges that Respondent violated the Real Estate Law  
7 which constitutes cause to discipline Respondent's restricted  
8 PRLS license. Respondent served a Notice of Defense and a  
9 hearing is scheduled for February 10, 2015.

10 On May 8, 2014, the Bureau filed an order suspending  
11 Respondent's restricted PRLS license based on the filing of the  
12 new Accusation against Respondent in Bureau Case No. H-39404 LA.

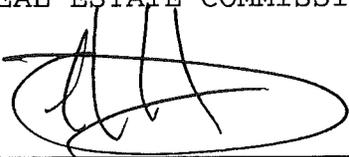
13 On May 30, 2014, Respondent's attorney, Jilbert  
14 Tahmazian, served a Request to Stay the Order Suspending  
15 Respondent's Restricted License to the Bureau's Chief Deputy  
16 Commissioner in Sacramento, California. On June 17, 2014, the  
17 Bureau submitted a response to Respondent's request for a stay of  
18 the suspension order in Bureau Case No. H-36458 LA.

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I have given due consideration to Respondent's request to stay the order suspending Respondent's restricted PRLS license filed on May 8, 2014. I find no good cause to reconsider the suspension order of May 8, 2014, and the request to stay is hereby denied.

IT IS SO ORDERED

~~JUN 20 2014~~  
REAL ESTATE COMMISSIONER  


By: JEFFREY MASON  
Chief Deputy Commissioner

cc: Apartment Hunters, Inc.  
Jilbert Tahmazian, Esq.  
Maria Suarez  
Sacto  
OAH

*file*

1 Bureau of Real Estate  
2 320 West 4th Street, Suite 350  
3 Los Angeles, California 90013-1105  
4 Telephone: (213) 576-6982

**FILED**

MAY 08 2014

BUREAU OF REAL ESTATE  
By *J. Kurosh*

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BEFORE THE BUREAU OF REAL ESTATE  
STATE OF CALIFORNIA

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In the Matter of the Accusation of ) CalBRE No. H-36458 LA  
)  
12 APARTMENT HUNTERS, INC., )  
a Prepaid Rental Listing )  
13 Service (PRLS) corporation, )  
)  
14 Respondents. )  
)

ORDER SUSPENDING RESTRICTED REAL ESTATE LICENSE

TO: APARTMENT HUNTERS, INC.  
201 N. Robertson Blvd., Ste. 202  
Beverly Hills, CA 90211

On March 13, 2012, a restricted PRLS corporation license was issued by the Bureau (formerly Department) of Real Estate to APARTMENT HUNTERS, INC. ("Respondent") on the terms, conditions, and restrictions set forth in the Real Estate Commissioner's Decision After Reconsideration of January 26, 2012, in Case No. H-36458 LA. This Order, which was filed on February 3, 2012, and became effective on February 23, 2012, granted Respondent the right to

1 the issuance of a restricted PRLS corporation license subject to the provisions of Section 10156.7  
2 of the California Business and Professions Code (“Code”) and to enumerated additional terms,  
3 conditions and restrictions imposed under authority of Section 10156.6 of said Code.

4       Among the terms, conditions, and restrictions of the Order, the restricted license issued to  
5 Respondent may be suspended prior to hearing by Order of the Real Estate Commissioner on  
6 evidence satisfactory to the Commissioner that Respondent has violated provisions of the  
7 California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate  
8 Commissioner or conditions attaching the restricted license.

9       On April 11, 2014, in Case No. H-39404 LA, an Accusation by a Deputy Real Estate  
10 Commissioner of the State of California was filed charging Respondent with a violation of  
11 Section 10177(k) of the Code in that Respondent violated Code Sections 10167.11(b) by  
12 providing false, misleading, or deceptive advertisements to prospective tenants.

13       NOW, THEREFORE, IT IS ORDERED under authority of Section 10156.7 of the  
14 Business and Professions Code of the State of California that the restricted PRLS corporation  
15 license heretofore issued to Respondent and the exercise of any privileges there under is hereby  
16 suspended pending a final determination made after the hearing on the aforesaid Accusation, or  
17 pending a subsequent agreement with the Bureau..

18       IT IS FURTHER ORDERED that all license certificates and identification cards issued  
19 by the Bureau of Real Estate which are in the possession of Respondent be immediately  
20 surrendered by personal delivery or by mailing in the enclosed self-addressed envelope to:

21                   Bureau of Real Estate  
22                   Attn: Licensing Flag Section  
23                   PO BOX 137013  
24                   SACRAMENTO, CA 95813-7013

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This Order shall be effective immediately.

DATED:   MAY  6  , 2014.

REAL ESTATE COMMISSIONER

A handwritten signature in black ink, appearing to read 'JM', is written over a horizontal line. The signature is stylized and somewhat cursive.

**JEFFREY MASON**  
**Chief Deputy Commissioner**

SAC

FILED  
FEB - 3 2012  
DEPARTMENT OF REAL ESTATE

By C.R.

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BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \* \*

In the Matter of the Accusation of	)	No. H-36458 LA
	)	
APARTMENT HUNTERS, INC.,	)	L-2010040095
a Pepaid Rental Listing	)	
Service (PRLS) corporation,	)	
	)	
Respondent.	)	
	)	

DECISION AFTER RECONSIDERATION

On September 29, 2011, a Decision was rendered in the above-entitled matter to become effective October 20, 2011. The effective date of the Decision of September 29, 2011 was stayed, by separate Orders, to December 1, 2011.

On November 15, 2011, Respondent petitioned for reconsideration of the Decision of September 29, 2011. On November 30, 2011, Reconsideration was granted for the limited purpose of determining whether the discipline imposed against Respondent by the Decision of September 29, 2011 should be reduced.

I have reconsidered said Decision and it is hereby ordered that the disciplinary action therein imposed against the real estate license of APARTMENT HUNTERS INC. be reduced by modifying the Order of said Decision to read as follows:

ORDER

1  
2           All licenses and licensing rights of Respondent APARTMENT HUNTERS INC.  
3 under the Real Estate Law are revoked; provided, however, a restricted PRLS license shall be  
4 issued to Respondent pursuant to Section 10156.5 of the Business and Professions Code if  
5 Respondent makes application there for and pays to the Department of Real Estate the appropriate  
6 fee for the restricted license within 90 days from the effective date of this Decision. The restricted  
7 license issued to Respondent shall be subject to all of the provisions of Section 10156.7 of the  
8 Business and Professions Code and to the following limitations, conditions and restrictions  
9 imposed under authority of Section 10156.6 of that Code:

10           1. The restricted license issued to Respondent may be suspended prior to hearing  
11 by Order of the Real Estate Commissioner in the event of Respondent's conviction or plea of nolo  
12 contendere to a crime which is substantially related to Respondent's fitness or capacity as a real  
13 estate licensee.

14           2. The restricted license issued to Respondent may be suspended prior to  
15 hearing by Order of the Real Estate Commissioner on evidence satisfactory to the  
16 Commissioner that Respondent has violated provisions of the California Real Estate Law, the  
17 Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to  
18 the restricted license.

19           3. Respondent shall not be eligible to apply for the issuance of an unrestricted  
20 real estate license nor for the removal of any of the conditions, limitations or restrictions of a  
21 restricted license until two years have elapsed from the effective date of this Decision.

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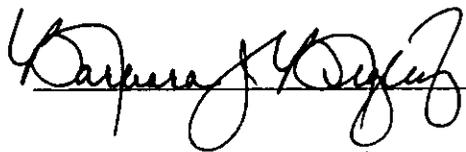
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This Decision shall become effective at 12 o'clock noon on  
February 23, 2012.

IT IS SO ORDERED 1/26, 2012.

BARBARA J. BIGBY  
Acting Real Estate Commissioner



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FILED

NOV 30 2011

DEPARTMENT OF REAL ESTATE

By Jean Arnold

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

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In the Matter of the Accusation of	)	DRE NO. H-36458 LA
	)	OAH NO. L-2010040095
APARTMENT HUNTERS, INC.,	)	
a Prepaid Rental Listing	)	
Service (PRLS) corporation,	)	
	)	
Respondent.	)	

ORDER GRANTING RECONSIDERATION

On September 29, 2011, a Decision was filed in the above-entitled matter to become effective October 20, 2011. On October 18, 2011, the effective date of the Decision of September 29, 2011, was stayed, and the new effective date was November 21, 2011.

On November 15, 2011, Respondent petitioned for reconsideration of the Decision of September 29, 2011. On November 16, 2011, the effective date of the Decision of September 29, 2011, was stayed for ten (10) days to consider Respondent's petition for reconsideration, and the new effective date is 12 o'clock noon on December 1, 2011.

1                    On November 16, 2011, Counsel for Complainant filed Complainant's reply  
2 argument to Respondent's petition for reconsideration.

3                    I find good cause to reconsider the Decision of September 29, 2011.  
4 Reconsideration is hereby granted for the limited purpose of determining whether the action  
5 imposed against Respondent by said Order should be reduced.

6                    Respondent shall have fifteen (15) days from the date of this Order, in which to  
7 file written argument in further support of its petition for reconsideration. Counsel for the  
8 Department of Real Estate shall submit any written reply to said argument within fifteen (15)  
9 days thereafter.

10                    IT IS SO ORDERED November 30, 2011

11  
12                    BARBARA J. BIGBY  
13                    Acting Real Estate Commissioner

14                    

15                    By WILLIAM E. MORAN  
16                    Assistant Commissioner, Enforcement

SAC

**FILED**  
NOV 16 2011  
DEPARTMENT OF REAL ESTATE

By C-2

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BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\*\*\*

In the Matter of the Accusation of	)	DRE NO. H-36458 LA
	)	OAH NO. L-2010040095
APARTMENT HUNTERS, INC.,	)	
a Prepaid Rental Listing	)	
Service (PRLS) corporation,	)	
	)	
Respondent.	)	

ORDER STAYING EFFECTIVE DATE

On September 29, 2011, a Decision was rendered in the above-entitled matter to become effective on October 20, 2011. Said Decision was stayed until November 21, 2011, by an Order dated on October 18, 2011, to allow Respondent to file a petition for reconsideration. Respondent filed a petition for reconsideration on November 15, 2011.

IT IS HEREBY ORDERED that the effective date of the Decision of September 29, 2011, is stayed for a period of ten (10) days to consider Respondent's petition for reconsideration.

The Decision of September 29, 2011, shall become effective at 12 o'clock noon on December 1, 2011.

DATED: November 16, 2011

BARBARA J. BIGBY  
Acting Real Estate Commissioner





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The Decision of September 29, 2011, shall become  
effective at 12 o'clock noon on November 21, 2011.

DATED: October 18, 2011

BARBARA J. BIGBY  
Acting Real Estate Commissioner

By: *Palores Weeks*  
REGIONAL MANAGER

**FILED**  
SEP 30 2011  
DEPARTMENT OF REAL ESTATE

By C. A.

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \* \*

In the Matter of the Accusation against ) No. H-36458 LA  
) L-2010040095  
APARTMENT HUNTERS, INC., )  
a Prepaid Rental Listing )  
Service (PRLS) corporation, )  
)  
Respondent. )

DECISION AFTER REJECTION

Administrative Law Judge Nancy Beezy Micon ("ALJ"), Office of Administrative Hearings, heard this matter in Los Angeles, California on October 20, 2010.

Lissete Garcia, Real Estate Counsel, represented Complainant, Robin Trujillo ("Complainant"), Deputy Real Estate Commissioner of the California Department of Real Estate ("Department"). Jilbert Tahmazian, Attorney at Law, represented Respondent APARTMENT HUNTERS, INC., a Prepaid Rental Listing Service corporation ("Respondent AHI").

Oral and documentary evidence was received and the record was held open until November 3, 2010, to allow Respondent AHI to submit evidence regarding sample contracts for "4RentInLA.com" and "RentInSanFrancisco.com," which Respondent believed were in storage.

///

1 On November 1, 2010, Respondent submitted a letter, marked for identification as  
2 Exhibit B, stating that it had been unable to locate the documents. The record was held open until  
3 November 22, 2010, to allow the parties to submit written argument. Complainant's closing brief  
4 was received on November 16, 2010, and was marked as Exhibit 19 for identification.  
5 Respondent's closing brief was received on November 15, 2010, and was marked as Exhibit C for  
6 identification. On November 24, 2010, Respondent filed a reply to Complainant's closing brief.  
7 This was marked as Exhibit D for identification. The reply brief was accepted, and the date for  
8 submission extended to the next date of business for OAH, for consideration of the arguments  
9 contained in Respondent's reply brief.

10 Complainant, in the closing brief, moved to amend the Accusation, as follows: At  
11 page 3, paragraph 5, line 14, to substitute "Section 10167.2 and/or 10167.3(a)" for "Section  
12 10167.3(a)."

13 Respondent objected that the motion to amend on the grounds that it was not timely.  
14 Government Code section 11507 provides:

15 *"At any time before the matter is submitted for decision the agency may*  
16 *file or permit the filing of an amended or supplemental accusation. All*  
17 *parties shall be notified thereof. If the amended or supplemental*  
18 *accusation presents new charges the agency shall afford respondent a*  
19 *reasonable opportunity to prepare his defense thereto, but he shall not be*  
20 *entitled to file a further pleading unless the agency in its discretion so*  
*orders. Any new charges shall be deemed controverted, and any*  
*objections to the amended or supplemental accusation may be made orally*  
*and shall be noted in the record."*

21 At the time of the request to amend, the matter had not yet been submitted for  
22 decision. Respondent had an opportunity to present a defense to the additional violation charge,  
23 having responded to it in Respondent's reply to Complainant's closing brief. Complainant's motion  
24 to amend was therefore granted.

25 The matter was submitted on November 29, 2010.

26 Pursuant to Section 11517(c) of the Government Code of the State of California,  
27 Respondent was served with notice of my determination not to adopt the Proposed Decision of the

1 ALJ along with a copy of said Proposed Decision. Respondent was notified that I would decide the  
2 case upon the record, the transcript of proceedings held on October 20, 2010, and upon any written  
3 argument offered by Respondent and Complainant. Respondent and Complainant have submitted  
4 arguments. I have given careful consideration to the record in this case, including the transcript of  
5 proceedings of October 29, 2010. I have also considered the arguments submitted by Respondent  
6 and by Complainant. The following shall constitute the Decision of the Real Estate Commissioner  
7 ("Commissioner") in this proceeding:

8 FINDINGS OF FACT

9 1. The Complainant Robin Trujillo brought the Accusation in her official capacity.

10 2. Respondent APARTMENT HUNTERS INC., has been licensed by the  
11 Department as a prepaid rental listing service ("PRLS") corporation since May 11, 2007. The  
12 PRLS supplies prospective tenants with listings of residential properties for rent pursuant to an  
13 arrangement under which the prospective tenants pay a fee in advance of, or contemporaneously  
14 with, the supplying of the listings.

15 3. Steven K. Shayan (Steven Shayan) is an officer of AHI and the "designated agent"  
16 of record with the Department in charge of AHI's operation of a PRLS. Other than being the  
17 designated agent for Respondent AHI, Steven Shayan has never independently been licensed by the  
18 Department in any capacity, as a PRLS, a real estate broker or a salesperson. Kevin Shayan is a  
19 customer service and landlord service employee for Respondent AHI. Kevin Shayan is not a  
20 Department licensee, and he does not have an ownership interest in Respondent.

21 4. Respondent AHI's mailing address and main office address for its principal place  
22 of business on file with the Department is 201 North Robertson Boulevard, Suite 202, Beverly  
23 Hills, California 90211. In addition to this mailing address, Respondent also does business from a  
24 number of website and email addresses. As of hearing, these additional addresses were not formally  
25 on record with the Department.

26 5. As of the time of the hearing, and at all times prior to hearing, Respondent AHI  
27 did not have any additional locations or fictitious business names approved on record with the

1 Department. In fact, on the face of the license originally issued to Respondent AHI, the heading  
2 for the listing of a "fictitious business name," was blank, indicating that Respondent had not  
3 obtained authorization to use any other fictitious business names as of the date of hearing.<sup>1</sup> Further,  
4 Respondent AHI did not obtain separate licenses for "4RentInLA" and "RentInSanFrancisco" to  
5 conduct PRLS activities.

6 6. When it first began operating as a PRLS, AHI, at times also doing business as  
7 4RentInLA and www.4rentinla.com, was not licensed by the Department. On October 26, 2005, in  
8 Case No. H-32271 LA, the Department issued a Desist and Refrain Order, ordering Steven and  
9 Kevin Shayan to stop engaging in business as a PRLS, individually or under any fictitious business  
10 names.<sup>2</sup> The Department informed the Shayans and Respondent AHI that since they did not hold  
11 licenses as a real estate brokers or as a PRLS, as required by law, they were not authorized to  
12 engage in prepaid rental listing services, and that their conduct in operating the PRLS businesses  
13 was in violation of the Real Estate Laws of California.

14 7. Steven Shayan, designated agent and officer for Respondent AHI, testified at  
15 hearing that he received the Desist and Refrain Order in 2005 and that he and Kevin Shayan  
16 attempted to come into compliance with the Real Estate Law relating to the operation of a PRLS.  
17 As part of that process, they submitted an application and proposed contracts for Respondent AHI,  
18 as well as for 4RentInLA and RentInSanFrancisco. The Department approved a contract for  
19 Respondent AHI but returned the contracts for "4RentInLA" and "RentInSanFrancisco," asking that  
20 specific substantive changes be made to those contracts.

21 8. A PRLS license was issued to Respondent AHI, but no licenses were issued for  
22 "4RentInLA" or "RentInSanFrancisco." At hearing, Kevin Shayan testified that he was responsible  
23 for submitting the modified contracts for 4RentInLA and RentInSanFrancisco. He testified that he  
24 thought the contracts were changed and re-submitted to the Department. Kevin Shayan testified that  
25 he thought he remembered seeing a cover letter sent from the Department, with the license for  
26

27 <sup>1</sup> A copy of the actual license cards for Respondent AHI was admitted at hearing as Respondent's Exhibit A.

<sup>2</sup> A copy of the Order was admitted into evidence as part of Complainant's Exhibit 3.

1 Respondent AHI, saying that all contracts had been approved. He therefore believed that  
2 Respondent AHI was authorized to conduct business under each entity name. At the end of the  
3 administrative hearing, the record was kept open for Respondent to provide additional  
4 documentation such as copies of the approved contracts for 4RentInLA and RentInSanFrancisco,  
5 and/or correspondence from the Department indicating that use of these business names was  
6 approved. Respondent was not able to provide any such documentation. Respondent AHI did not  
7 produce any letters, or other documents, showing the Department had approved contracts for  
8 "4RentInLA" or for "RentInSanFrancisco."

9           9. Complainant established that Respondent operated fictitious business entities,  
10 including "4RentInLA" and "RentInSanFrancisco" which were not licensed by the Department to  
11 operate as PRLS businesses. At hearing, Complainant submitted certified records from the  
12 Department establishing that a diligent search was made and no records were found of Steven  
13 Shayan, "4RentInLA" and "4RentInSanFrancisco" having been licensed in any capacity by the  
14 Department for the period from January, 1975 to March, 2010. Respondent contends the certified  
15 documents are "unreliable" because, they argue, Steven Shayan held a real estate license as the  
16 designated agent of Respondent AHI. This is not so. A designated agent or officer of a PRLS is  
17 not a Department licensee. Rather, the designated agent is the person who is in charge of the  
18 business of a prepaid rental listing service at a given location.<sup>3</sup> Respondent AHI was the licensee.  
19 The certified records stating that a diligent search was made and that no records were found of real  
20 estate licenses issued to "4RentInLA" and "4RentInSanFrancisco" establish the lack of licensure.  
21 Respondent did not present any evidence, other than self-serving testimony, to refute this fact.

22           10. Respondent AHI, after receiving the Desist and Refrain Order in 2005, and prior  
23 to being licensed as a PRLS on May 10, 2007, continued to solicit members and operate as a PRLS  
24 business under its own name (AHI), as well as under the unlicensed fictitious business names  
25 "4RentInLA" and "RentInSanFrancisco." After being licensed as a PRLS on May 10, 2007, AHI  
26  
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<sup>3</sup> Business and Professions Code Section 10167(d).

1 continued to do business under unlicensed fictitious business names and to maintain at least three  
2 separate websites: [www.apartmenthunterz.com](http://www.apartmenthunterz.com); [www.4rentinla.com](http://www.4rentinla.com); and  
3 [www.rentinsanfrancisco.com](http://www.rentinsanfrancisco.com). The Department did not approve contracts for "4RentInLA" and/or  
4 "RentInSanFrancisco" to conduct PRLS activities. Respondent AHI and Steven Shayan, while  
5 doing business as "4RentInLA" and/or "RentInSanFrancisco" supplied prospective tenants with  
6 PRLS contracts, which had not been approved by the Department. The contracts required  
7 prospective tenants to pay a fee in advance of, or contemporaneously with the supplying of, listings  
8 of residential real property for tenancy.

9 11. The Department's investigator, Deputy Commissioner Veronica Corpin  
10 ("Deputy Corpin") testified at hearing. Beginning in 2007, Deputy Corpin was assigned to  
11 investigate several complaints about Respondent AHI and Steven Shayan, under AHI's name,  
12 or under unlicensed fictitious business names [www.4rentinla.com](http://www.4rentinla.com) and/or  
13 [www.rentinsanfrancisco.com](http://www.rentinsanfrancisco.com). Each complaint was about the manner in which Respondent AHI  
14 and Steven Shayan, solicited and supplied prospective tenants Sheila Addison (Addison), Terri Lee  
15 Huff (Huff), and Rubina Ismailyan (Ismailyan) with PRLS contracts which required payment of an  
16 up-front fee in order to obtain listings of residential real property available for tenancy. Deputy  
17 Corpin reviewed each complaint, researched PRLS license status and wrote letters to Shayan, as the  
18 designated agent of AHI, bringing the complaints to his attention and requesting his version.  
19 Shayan wrote back with responses, and provided additional documentation relating to each  
20 complaint.

21 12. On April 28, 2007, Huff paid Respondent \$49.00 to receive rental listings from  
22 [www.apartmenthunterz.com](http://www.apartmenthunterz.com). She was not happy with her service, and complained to the  
23 Department that the listings were not appropriate or not available. On September 22, 2008, in  
24 response to Deputy Corpin's inquiry, Respondent refunded Huff's money as part of the company's  
25 general policy to refund money to unhappy customers. Respondent was not licensed as a PRLS on  
26 April 28, 2007 and was therefore not authorized to receive fees for PRLS services.

27 ///

1           13. On August 7, 2007, Addison paid Respondent \$69.00 to receive rental listings  
2 from [www.rentinsanfrancisco.com](http://www.rentinsanfrancisco.com). She was not happy with her service, and complained to  
3 Respondent that the listings were not appropriate and/or not available for rental as advertised.  
4 Respondent refunded Addison's money on August 22, 2007. At that time, Respondent did not have  
5 approval for PRLS contracts for [www.rentinsanfrancisco.com](http://www.rentinsanfrancisco.com), and [www.rentinsanfrancisco.com](http://www.rentinsanfrancisco.com)  
6 was not a licensed fictitious business name. Addison's complaint to the Department was admitted  
7 into evidence as administrative hearsay<sup>4</sup>, to corroborate or supplement other evidence. Steven  
8 Shayan's letter to the Department addressing Addison's complaint included printouts from  
9 Respondent's records documenting the Addison transaction. The response letter and attachments  
10 were admitted as direct evidence<sup>5</sup>. Kevin Shayan testified that the company was not able to  
11 determine what listings had actually been provided to Addison a year prior to the Department's  
12 inquiry, so instead provided the Department with similar listings from September of 2008. Kevin  
13 Shayan testified that he therefore believed that the listings provided to Addison were probably  
14 appropriate and available for rental. Nonetheless, it was company policy generally to refund money  
15 to unhappy customers. Addison did not testify at hearing. No other evidence from Respondent or  
16 Complainant was provided, and the details of Addison's complaint as to availability of listing was  
17 not established. Nonetheless, evidence established that Respondent conducted business under the  
18 unlicensed and unauthorized fictitious business name [www.rentinsanfrancisco.com](http://www.rentinsanfrancisco.com), and used and  
19 unapproved PRLS contract.

20           14. On or about January 31, 2008, the Department received a written complaint  
21 from Nancy Wright ("Wright"), a real estate agent with Coldwell Banker in La Canada. She stated  
22 that in 2007 she received several phone inquiries regarding rental of a residential property in  
23  
24

25 <sup>4</sup> Addison's complaint was offered into evidence as a declaration pursuant to Government Code Section 11514. Advance  
26 notice was provided to Respondent, who exercised its right to cross examine Addison. Addison did not testify at hearing.  
27 Therefore, her complaint and attachments were entered into evidence as administrative hearsay, pursuant to Government  
Code Section 11513 (d). The complaints of TeriLee Huff and Nancy Wright were similarly entered into evidence as  
administrative hearsay for the same reasons. Steven Shayan's letters responding to Deputy Corpin's inquiry were not  
objected to and were therefore entered into evidence as direct evidence.

<sup>5</sup> Respondent's reply letter regarding the Addison complaint was admitted as direct evidence.

1 La Canada which she knew was no longer available because it had been sold a few months prior.  
2 According to Wright, one of the callers indicated that she had gotten the information about the La  
3 Canada rental property from among listings she paid for through www.4rentinla.com. Wright  
4 stated in her complaint that she visited that website on January 24, 2008, and printed out web pages  
5 which reflected, among other things, listings for the La Canada property, indicating that the  
6 property was available for rental. Wright also provided a printout from January 25, 2008 showing  
7 that the property had sold in November 2006. Therefore, the advertisement on Respondent's  
8 website on January 24, 2008 was, according to Wright, false, and Respondent did not have the  
9 authorization of the owner or property manager of the property to list its availability for rental at  
10 that time.

11           15. Respondent, through designated agent Steven Shayan, responded to Wright's  
12 allegation in a letter to the Department admitted into evidence at hearing as direct evidence. In that  
13 letter, Steven Shayan briefly explained the process through which Respondent obtains listings  
14 through computer generated leads from other listing companies. He concluded that this particular  
15 lead must have been sent to Respondent from one of those companies. He attached a printout from  
16 the Administrator Control Panel reflecting three different times when the La Canada property was  
17 listed as inactive between January 26, 2005 and June 28, 2008. Steven and Kevin Shayan also had  
18 the opportunity to address Wright's complaint in more detail at hearing. Neither of the Shayans  
19 refuted the fact that on January 24, 2008, Respondent advertised its PRLS services through the  
20 www.4rentinla.com website, and that it posted as available a listing for the La Canada property as  
21 described by Wright. While both Steven and Kevin Shayan attempted to explain Respondent's  
22 methods of obtaining and posting rental listings, neither refuted or even denied that the posting of  
23 La Canada property as available for rent on January 24, 2008 was false. Nor did either Shayan  
24 provide sufficient evidence of authorization by the owner or property manager of that property for  
25 the property to be listed on any of Respondent's websites.

26           16. As part of her investigation into Respondent's conduct of PRLS activities, on  
27 April 8, 2009, Deputy Corpin visited the website for the Better Business Bureau of the Southland

1 (“BBB”). Deputy Corpin found that 35 complaints had been lodged about Respondent with the  
2 BBB between February 21, 2006 and the date of search. All the complaints related to  
3 Respondent’s PRLS listing services. Some complaints were from customers who paid for listings  
4 which were inappropriate or unavailable. Some complaints were from property owners or property  
5 managers who had listed property with other services but had not authorized Respondent to post  
6 their listings. Deputy Corpin investigated a random sample of these complaints. Deputy Corpin  
7 spoke with Anica Westfall and Oliver Alfonso, who each found that Respondent had posted listings  
8 for their residences without their authorization or knowledge. Each had posted listings on  
9 Craigslist.org which appeared on Respondent’s websites.

10 17. As part of her investigation into Respondent’s conduct of PRLS activities, on  
11 April 21, 2009, Deputy Corpin visited the website, [www.rentinsanfrancisco.com](http://www.rentinsanfrancisco.com). In its  
12 membership materials, in the “Contract & Receipt” portion of the website, Respondent, doing  
13 business as [www.rentinsanfrancisco.com](http://www.rentinsanfrancisco.com), claimed as follows:

14 *"We are [a] fully licensed rental service under the California Department of*  
15 *Real Estate."*

16 Respondent also claimed that:

17 *"The greater portion of RentInSanFrancisco.com information is obtained by*  
18 *use of the telephone; therefore, our representation and description of rentals*  
*will reflect the information given to us by the landlord or property agent..."*

19 The “Contract & Receipt” portion of the materials is signed by Steven Shayan,  
20 “RentInSanFrancisco.com”.<sup>6</sup> Deputy Corpin also visited the website, [www.4rentinla.com](http://www.4rentinla.com) on  
21 April 21, 2009. Similar representations are made about [www.4rentinla.com](http://www.4rentinla.com); namely, that it was a  
22 fully licensed rental service under the California Department of Real Estate, and that the greater  
23 portion of rental information is obtained by use of the telephone. Steven Shayan,  
24 “4RentInLA.com” was the signatory<sup>7</sup>. There is no reference to Respondent AHI on either website.  
25 The representations about licensure were misleading, deceptive and/or false. In truth and fact, as

26 \_\_\_\_\_  
27 <sup>6</sup> See Exhibit 18, admitted into evidence at hearing for all purposes.

<sup>7</sup> See Exhibit 17, admitted into evidence at hearing for all purposes.

1 Respondent and designated agent Steven Shayan well knew, as of April 21, 2009, neither  
2 www.rentinsanfrancisco.com nor www.4rentinla.com were fully licensed by the Department in any  
3 capacity, as PRLS licensees nor as registered and authorized fictitious business names of AHI.  
4 PRLS contracts submitted to the Department for these entities were not approved for use at that  
5 time. Furthermore, as Kevin and Steven Shayan testified at hearing, Respondent's agents and  
6 employees gleaned rental listings from other rental service listings, such as Craigslist and the  
7 national MLS and posted those listings as their own for a fee. They did not use the telephone to  
8 contact landlords and property agents directly prior to listing properties.

9           18. Kevin Shayan testified that Respondent AHI, as a PRLS, confirms the  
10 availability of its listings using a process called "listing syndication," where a landlord lists a  
11 property on one website and that website posts the listing on other websites. In those cases,  
12 Respondent verifies that the listing contains a valid email address, and that the contact information  
13 for the owner or landlord of the property is correct. Respondent sends an email to the owner of the  
14 listing, informing the owner that the listing is on their website. Kevin Shayan explained that the  
15 property owner could then ask to have the property removed, make changes to the listing, or sign up  
16 as a new landlord. Kevin Shayan acknowledged that nothing else is done by Respondent AHI to  
17 determine whether the property posted through the "listing syndication" process is, in fact,  
18 available, or that the information contained in the listing is accurate. Kevin Shayan described, as an  
19 example, that Respondent AHI obtains data from Craigslist, without first obtaining permission from  
20 the property owners on the Craigslist postings to list their properties. Respondent AHI verifies that  
21 the email address from the Craigslist property is accurate. If there is no activity after seven days,  
22 Respondent AHI would "kill" the listing. Also, if a landlord requests that Respondent take down a  
23 listing, Respondent complies. Kevin Shayan testified that he mistakenly believes that Respondent  
24 AHI is not required to verify listings, in advance, if the listings are posted on its site through a real  
25 estate licensee who is sharing data on their website.

26 ///

27 ///





1 rejected by the Department. In response, Respondent made the contract revisions requested by the  
2 Department, and re-submitted the contracts for "4RentInLA" and "RentInSanFrancisco" for the  
3 Department's approval. The evidence established, however, that the Department never approved the  
4 contracts for "4RentInLA" or for "RentInSanFrancisco" and that the fictitious businesses  
5 nevertheless continued to offer PRLS services to prospective tenants, and collected membership  
6 fees, without being licensed by the Department. Steven Shayan had been put on notice that he was  
7 ordered to desist and refrain from operating the fictitious businesses, without first obtaining licenses  
8 for the businesses. Shayan attempted to comply with the order, and he obtained a license for  
9 Respondent. However, he did not desist from operating PRLS activities from the other business  
10 websites, and he did not ensure that the licenses were obtained. Respondent presented credible  
11 evidence, through the testimony of Kevin Shayan and Steven Shayan that it mistakenly believed it  
12 was permissible to engage in the PRLS activities under Respondent's license because the contracts  
13 for the fictitious businesses had been revised in accordance with a letter Respondent had received  
14 from the Department.

15 8. Respondent argues that it did not violate Section 10167.3, subdivision (a), because  
16 all of the PRLS businesses were operated from the same location. Section 10167.3 subdivision (a)  
17 states: "A separate application for a license as a prepaid listing service shall be made in writing for  
18 each location to be operated by a licensee other than a real estate broker." Respondent points out that  
19 the word "location" is defined in Section 10167, subdivision (c), as "the place, other than the main or  
20 branch office of a real estate broker, where a prepaid rental listing service business is conducted."  
21 Respondent contends that all of the websites were conducted from the business address for  
22 Respondent (even though they had separate phone numbers for the convenience of the customers).  
23 Respondent argues that the "4RentInLA" and "RentInSanFrancisco" websites were thus merely  
24 extensions of Respondent's business that allowed it to offer services in Los Angeles and San  
25 Francisco. Respondent's argument is not persuasive.

26 9. The evidence established that Respondent had been given notice, through the  
27 Desist and Refrain Order, that it could not operate its PRLS activities under fictitious business names

1 without first obtaining PRLS licenses for those businesses. Respondent knew what was required but  
2 failed to ensure that it fully complied with the Department's notice. It obtained the license for  
3 Respondent but failed to follow through in obtaining licenses or fictitious business name approval  
4 for the other entities.

5 10. Respondent argues that it was justified in believing the contracts for  
6 "4RentInLA" and "RentinSanFrancisco" had been approved because, pursuant to section 10167.9,  
7 subdivision (c), the Department did not respond within 15 days of the re-submission of the contracts.  
8 Section 10167.9, subdivision (c), states:

9 *"The form of contract proposed to be used by a licensee to effect*  
10 *compliance with this section shall be filed with the department prior to use. Any*  
11 *modification of a form previously filed with the department, including a change in*  
12 *the name or business address of the licensee, shall also be filed prior to use. The*  
13 *department shall withhold the issuance of a renewal of a license until the*  
14 *department has approved the contract. If a proposed modification to a contract*  
15 *has not been approved or disapproved within 15 working days of being filed with*  
16 *the department, the proposed modification shall be deemed approved. If a*  
*proposed modification or contract provision is disapproved, the department shall*  
*communicate that disapproval in writing to the licensee within 15 working days of*  
*being filed with the department, accompanied by a written justification of why the*  
*modification or contract provision is contrary to the requirements of this article."*

17 Respondent's argument is not persuasive. "4RentInLA" and "RentInSanFrancisco"  
18 never had approved contracts. This was not a case therefore of a "contract modification," such as  
19 for an address change of an existing contract, that could be deemed approved if no response was  
20 received within 15 days. The Department rejected the contracts for "4RentInLA" and  
21 "RentinSanFrancisco." They were never licensed by the Department. The Department complied  
22 with the provision by notifying Shayan and/or Respondent in writing that the Department  
23 disapproved of the contracts for "4RentInLA" and "RentinSanFrancisco."

24 11. Respondent also violated Article 2.3, the statutory provisions concerning  
25 prepaid rental listing services, through its manner of operation. Kevin Shayan, Respondent's  
26 employee, admitted that Respondent engaged in a "listing syndication" process, where it posted  
27 listings on its website that were contained on other websites, without first verifying the availability

1 of the property for tenancy during the four-day period immediately preceding dissemination of the  
2 listing information. Respondent, in essence, received permission from an "other authorized agent"  
3 to list the property, in accordance with Section 10167.11, subdivision (b)(4), but failed to confirm  
4 the availability of the listing, as required by Section 10167.11, subdivision (b)(3). Kevin Shayan's  
5 direct testimony concerning this practice was corroborated by the written complaints from  
6 prospective tenants, including Huff and Addison, and property managers, such as Nancy Wright,  
7 who complained that Respondent listed properties without verifying their availability and the  
8 accuracy of the information contained in the listing.

9 12. Steven Shayan and Kevin Shayan testified that Respondent violated Article 2.3  
10 due to their mistaken belief that it was permissible to operate all business entities through the  
11 licensure of only Respondent. Shayan further testified that he attempted to comply by submitting  
12 contracts for all entities. However, he failed to make sure the contracts had been approved, after  
13 their re-submission, and that all entities were either fully licensed or authorized as fictitious  
14 business names of Respondent.

15 The following order is necessary for the protection of the public interest.

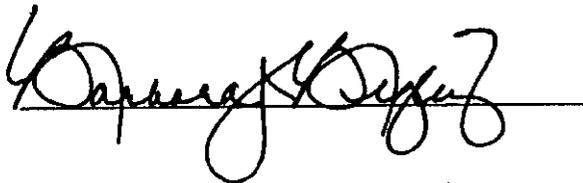
16 ORDER

17 All licenses and licensing rights of Respondent APARTMENT HUNTERS INC.  
18 under the Real Estate Law are revoked.

19 This Decision shall become effective at 12 o'clock noon on October 20, 2011.

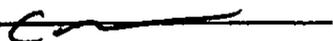
20 IT IS SO ORDERED 9/29, 2011.

21 BARBARA J. BIGBY  
22 Acting Real Estate Commissioner

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5AC

FILED  
JAN 18 2011  
DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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In the Matter of the Accusation of

APARTMENT HUNTERS, INC.,  
A Prepaid Rental Listing Service  
(PRLS) corporation,

Respondent.

No. H-36458 LA

L-2010040095

NOTICE

TO: APARTMENT HUNTERS, INC., Respondent.

YOU ARE HEREBY NOTIFIED that the Proposed Decision herein dated December 29, 2010, of the Administrative Law Judge is not adopted as the Decision of the Real Estate Commissioner. A copy of the Proposed Decision dated December 29, 2010, is attached for your information.

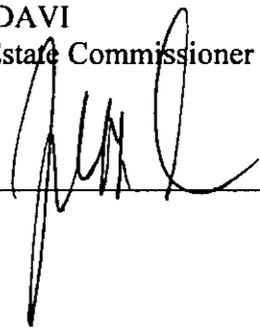
In accordance with Section 11517(c) of the Government Code of the State of California, the disposition of this case will be determined by me after consideration of the record herein including the transcript of the proceedings held on October 20, 2010, any written argument hereafter submitted on behalf of Respondent and Complainant.

Written argument of Respondent to be considered by me must be submitted within 15 days after receipt of the transcript of the proceedings of October 20, 2010, at the

1 Los Angeles office of the Department of Real Estate unless an extension of the time is granted  
2 for good cause shown.

3 Written argument of Complainant to be considered by me must be submitted  
4 within 15 days after receipt of the argument of Respondent at the Los Angeles office of the  
5 Department of Real Estate unless an extension of the time is granted for good cause shown.

6 DATED: 1-12-2011

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8 JEFF DAVI  
9 Real Estate Commissioner  
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BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

APARTMENT HUNTERS, INC., a Prepaid  
Rental Listing Service (PRLS) corporation,

Respondent.

Case No. H-36458 LA

OAH No. 2010040095

**PROPOSED DECISION**

Nancy Beezy Micon, Administrative Law Judge (ALJ), Office of Administrative Hearings (OAH), State of California, heard this matter in Los Angeles, California on October 20, 2010.

Lissete Garcia, Real Estate Counsel, represented Complainant Robin Trujillo, Deputy Real Estate Commissioner.

Jilbert Tahmazian, Attorney at Law, represented Respondent APARTMENT HUNTERS, INC., a Prepaid Rental Listing Service (PRLS) corporation (AHI, Respondent AHI, or Respondent).

Oral and documentary evidence was received and the record was held open until November 3, 2010, to allow Respondent to submit evidence regarding sample contracts for "4RentInLA.com" and "RentinSanFrancisco.com," which Respondent believed to be in storage. By that date, the Office of Administrative Hearings (OAH) had not received any additional documentation from Respondent. Instead, on November 1, 2010, Respondent submitted a letter, which is marked for identification only as Exhibit B, stating that it had been unable to locate the documents.

The record was held open until November 22, 2010, to allow the parties to submit written argument. Complainant's closing brief was received on November 16, 2010, and was marked as Exhibit 19 for identification. Respondent's closing brief was received on November 15, 2010, and was marked as Exhibit C for identification. On November 24, 2010, Respondent filed a reply to Complainant's closing brief. This was marked as Exhibit D for identification. The reply brief is accepted, and the date for submission extended to the next date of business for OAH, for consideration of the arguments contained in Respondent's reply brief.

Complainant, in the closing brief, moved to amend the Accusation, as follows: At page 3, paragraph 5, line 14, to substitute "Section 10167.2 and/or 10167.3(a)" for "Section 10167.3(a)."

Respondent objected that the motion to amend on the grounds that it was not timely. Government Code section 11507 provides:

"At any time before the matter is submitted for decision the agency may file or permit the filing of an amended or supplemental accusation. All parties shall be notified thereof. If the amended or supplemental accusation presents new charges the agency shall afford respondent a reasonable opportunity to prepare his defense thereto, but he shall not be entitled to file a further pleading unless the agency in its discretion so orders. Any new charges shall be deemed controverted, and any objections to the amended or supplemental accusation may be made orally and shall be noted in the record."

At the time of the request to amend, the matter had not yet been submitted for decision. Respondent had an opportunity to present a defense to the additional violation charge, having responded to it in Respondent's reply to Complainant's closing brief. Complainant's motion to amend is therefore granted.

The matter was submitted on November 29, 2010.

#### FACTUAL FINDINGS

1. Robin Trujillo (Complainant) made the Accusation in her official capacity as a Deputy Real Estate Commissioner of the State of California, Department of Real Estate (Department).

2. Respondent Apartment Hunters Inc. presently holds a Prepaid Rental Listing Service (PRLS) license issued by the Department on May 11, 2007. Respondent has license rights under the Real Estate Law (Part 1 or Division 4 of the Business and Professions Code) as a corporation. The license will expire on May 10, 2011.

3. Respondent is a PRLS pursuant to Business and Professions Code<sup>1</sup> Section 10167, wherein the PRLS supplies prospective tenants with listings of residential real properties for rent pursuant to an arrangement under which the prospective tenants are required to pay a fee in advance of, or contemporaneously with, the supplying of the listings.

4. Steven K. Shayan (Steven Shayan, or Shayan) is the "designated agent" and "officer" for Respondent AHI. Other than being the corporate officer for Respondent AHI, Shayan has never independently been licensed by the Department in any capacity, such as a real estate broker or a salesperson.

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<sup>1</sup> All further statutory references are to the Business and Professions Code, unless otherwise specified.

5. Respondent maintained on file with the Department the location of 201 North Robertson Boulevard, Suite 202, Beverly Hills, California 90211, as Respondent's main office address for its principal place of business for the conduct of its PRLS activities, and as its mailing address.

6. Respondent AHI did not have any additional locations or fictitious business name licenses from the Department. The license issued to Respondent AHI has a heading for the listing of a "fictitious business name." The license, on its face, is blank in the area where fictitious business names would be listed. This is because the Department had not authorized Respondent AHI to use any fictitious business names. Respondent AHI did not obtain separate licenses for "4RentInLA" and "RentinSanFrancisco" to conduct PRLS activities.

7. On October 26, 2005, the Department, had issued an Order to "K. Steven Shayan, aka Steven K. Shayan, Kaveh Shayan, Kevin Shayan, doing business as Apartment Hunters, 4 Rent in LA and [www.4rentinla.com](http://www.4rentinla.com)" (Shayan entities), to Desist and Refrain from engaging in business as a PRLS, individually or under any fictitious business name. The Department informed the Shayan entities that they did not hold a license as a real estate broker or as a PRLS, that they were not authorized by the Department, as required by law, to engage in prepaid rental listing services, and that their conduct in operating the PRLS businesses was in violation of the real estate laws of California.

8. Kevin Shayan, a customer service and landlord service employee for Respondent AHI during the relevant time frame of this case, testified at the hearing. Kevin Shayan is not a Department licensee, and he does not have an ownership interest in Respondent. He explained that, after receiving the "desist and refrain" notice from the Department, he, under the direction of Steven Shayan, sent PRLS contracts for each of the unlicensed PRLS businesses to the Department. The Department approved the contract for Respondent AHI but returned the contracts for "4 rent in LA" and "rent in San Francisco," asking that specific substantive changes be made to those contracts. According to Kevin Shayan, the contracts were changed and re-submitted to the Department. Respondent thereafter received its license. No licenses were received for "4rentInLA" or "RentinSanFrancisco." Kevin Shayan believes there was a cover letter sent, with the license for Respondent AHI, saying that all contracts had been approved. Kevin Shayan sincerely but mistakenly believes Respondent AHI, as a result of the above scenario, was authorized to conduct business under each entity name.

9. Respondent AHI did not produce any letters, or other documents, showing the Department had approved contracts for "4 rent in LA" or for "rent in San Francisco."

10. Complainant submitted certified records from the Department establishing that a diligent search found no records of Steven Shayan, "4rentInLA" and "4RentinSanFrancisco" having been licensed by the Department for the period from January, 1975 to March, 2010. Respondent contends the certified documents are "unreliable" because, they argue, Steven Shayan held a real estate license as the officer of AHI. This is

not so. An officer is not a Department licensee. Respondent was the licensee. The certified records stating that a diligent search was made and that no records were found of real estate licenses issued to "4RentInLA" and "4RentinSanFrancisco" establish the lack of licensure. Respondent did not present any evidence, other than self-serving testimony, to refute this fact. Complainant established that Respondent operated fictitious business entities, including "4RentinLA" and "RentinSanFrancisco" that were not licensed by the Department to operate as PRLS businesses.

11. Respondent AHI, after receiving the Desist and Refrain Order and after being notified that its contracts were not approved, continued to solicit members and operate as a PRLS business under the unlicensed fictitious business names "4RentInLA" and "RentinSanFrancisco." Respondent AHI maintains at least three separate websites: [www.apartmenthunterz.com](http://www.apartmenthunterz.com); [www.4rentinLA.com](http://www.4rentinLA.com); and [www.rentinsanfrancisco.com](http://www.rentinsanfrancisco.com). Respondent AHI and Steven Shayan, under unlicensed fictitious business names, including "4RentInLA" and/or "RentinSanFrancisco," solicited and supplied prospective tenants, including but not necessarily limited to, Sheila Addison (Addison), TerriLee Huff (Huff), and Rubina Ismailyan (Ismailyan), with a PRLS contract. The contracts with Addison, Huff, and Ismailyan required payment of a fee in advance, or contemporaneously with the supplying of, listings of residential real property for tenancy. Respondent AHI obtained PRLS membership fees without providing a PRLS contract or providing an unapproved PRLS contract to prospective tenants who sought their services.

12. The Department did not approve contracts for "4RentInLA" and/or "RentinSanFrancisco" to conduct PRLS activities. Respondent AHI and Steven Shayan, while doing business as "4RentInLA" and/or "RentinSanFrancisco" supplied prospective tenants with a PRLS contract, which had not been approved by the Department. The contracts required prospective tenants to pay a fee in advance of, or contemporaneously with the supplying of, listings of residential real property for tenancy.

13. On its website, 4RentInLA claims, as follows: "We are [a] fully licensed rental service under the California Department of Real Estate."

14. The Accusation alleges that, on or about May 2, 2007, Huff paid \$49 to Respondent AHI for use of its rental listing service, and that AHI, in return, supplied Huff with access to a listing of supposed suitable vacant rentals through its website [www.apartmenthunterz.com](http://www.apartmenthunterz.com). It is alleged that Huff contacted the property manager or owners for some of the rental properties listed as available on AHI's website, and that Huff learned that Respondent AHI was not authorized to list some of the rental units; the listings contained inaccurate information as to the monthly rental cost, or that the units were not as described in the listing; and that Respondent AHI did not provide Huff with suitable listings. It is further alleged that Huff sent an email to the customer service email account listed on Respondent AHI's website to request a refund but that the email message was returned as undeliverable. Respondent AHI does not dispute that it returned Huff's PRLS fee on September 22, 2008, after Huff filed a complaint against it with the Department.

15. Huff's complaint, received by the Department on June 1, 2007, states: "In my opinion, Apartment Hunters, Inc. scams unsuspecting consumers out of \$49 by offering rental listings, without the consent of the landlords." Complainant notified Respondent AHI that it intended to introduce a declaration and other documents from Huff without calling her as a witness in the case. Respondent notified Complainant, in writing, in a timely manner, that it wished to cross-examine Huff. Huff nevertheless was not called as a witness.

16. The Accusation alleges that, on or about August 8, 2007, Addison paid \$69 to Respondent AHI for use of its rental listing service, and that AHI, in return, supplied Addison with access to a listing of supposed suitable vacant rentals through its website [www.rentinsanfrancisco.com](http://www.rentinsanfrancisco.com). It is alleged that Respondent AHI did not provide Addison with suitable listings because Addison received listings of rentals that were already rented, contained inaccurate information as to the monthly rental cost, or contained inaccurate contact information. Respondent AHI does not dispute that Addison requested a refund, which she received after filing a complaint with the Department.

17. Addison's complaint, received by the Department on August 30, 2007, stated that she seeks the following resolution: "I want a full refund of my \$69 enrollment fee. I want them to clean up their listings – stop carrying inaccurate and already-rented listings, and stop flagging listings as 'New Today!' when they have been on the site for days or weeks. I want them to return phone calls, emails, and customer service requests in a timely fashion. I want them to abide by California law." Complainant notified Respondent AHI that it intended to introduce a declaration and other documents from Addison, who would not be called as a witness. Respondent AHI notified Complainant, in writing, in a timely manner, that it wished to cross-examine Addison. Addison nevertheless was not called as a witness.

18. The Accusation alleges that Respondent listed rental units, without authorization from the property owners, managers, or other authorized agents for the units, including Nancy Wright, Oliver Alfonso, and Anica Westfall. The Accusation further alleges that the units listed without authorization contained inaccurate information concerning the availability of the units, when they were not available, and the amount of the rental fees for the units. Complainant did not present Nancy Wright, Oliver Alfonso, or Anica Westfall as witnesses at the hearing.

19. Kevin Shayan attempted to determine whether the allegations made by Huff and Addison were true. According to Kevin Shayan, Huff typed ".com.com" thereby causing her complaint email to bounce from their system. Respondent AHI was therefore unable to respond to Huff's communications.

20. Employee Kevin Shayan explained that Respondent AHI, as a PRLS, confirms the availability of its listings. Kevin Shayan further explained, however, that Respondent AHI uses a process called "listing syndication," where a landlord lists a property on one website and that website posts the listing on other websites. In those cases, Respondent AHI verifies that the listing contains a valid email address, and that the contact information for the owner or landlord

of the property is correct. Respondent AHI sends an email to the owner of the listing, informing the owner that the listing is on their website. Kevin Shayan explained that the property owner could then ask to have the property removed, make changes to the listing, or sign up as a new landlord. Kevin Shayan acknowledged that nothing else is done by Respondent AHI to determine whether the property posted through the "listing syndication" process is, in fact, available, or that the information contained in the listing is accurate. Kevin Shayan described how Respondent AHI obtained website listings through "IDX," a data-sharing system where Respondent AHI receives listings from other real estate licensees. As an example, Kevin Shayan stated that Respondent AHI obtains data from Craigslist, without first obtaining permission from the property owners on the Craigslist postings to list their properties. Respondent AHI verifies that the email address from the Craigslist property is accurate. If there is no activity after seven days, Respondent AHI would "kill" the listing. Also, if a landlord requests Respondent AHI to take down a listing, Respondent AHI complies. Kevin Shayan sincerely but mistakenly believes that Respondent AHI is not required to verify listings, in advance, if the listings are posted on its site through a real estate licensee who is sharing data on their website.

21. Respondent AHI, by using the "listing syndication" process described by Kevin Shayan in factual finding number 20, above, failed to confirm the availability of listed properties, in advance of disseminating information about the properties, in their PRLS.

22. Kevin Shayan testified that it is Respondent AHI's policy to refund membership fees to customers who request a refund.

23. Steven Shayan, the designated agent for Respondent AHI, also testified at the hearing. Shayan contends that landlords were contacted by Respondent on a daily basis to verify listings. According to Shayan, Respondent AHI maintains files for three years, as required by the Department. Shayan does not dispute that he was served with the Desist and Refrain notice, as set forth in factual finding number 7, from the Department in 2005. He thereafter obtained the license for Respondent AHI. He acknowledges that he did not obtain approval from the Department for the use of the fictitious business names "4rentInLA" and "RentinSanFrancisco." He sincerely but mistakenly believes that, after receiving a license for Respondent, it was permissible to continue engaging in all of the PRLS business activities.

### LEGAL CONCLUSIONS

1. Cause exists to discipline the PRLS license issued to Respondent AHI pursuant to Business and Professions Code sections 10167.2, subdivision (a), 10167.3, subdivision (a), and 10167.12, subdivision (a)(1), in that Respondent engaged in the business of a prepaid rental listing service under the fictitious business names "4rentInLA" and "RentinSanFrancisco" without first having a valid license under those names in that capacity, as set forth in factual finding numbers 2 through 23.

2. Cause exists to discipline the PRLS license issued to Respondent AHI pursuant to Business and Professions Code sections 10167.9, subdivisions (c), and 10167.12,

subdivision (a)(1), in that Respondent utilized PRLS contracts which were not approved by the Department, as set forth in factual finding numbers 2 through 12, 16, 20, and 23.

3. Cause exists to discipline the PRLS license issued to Respondent AHI pursuant to Business and Professions Code section 10167.12, subdivision (a)(1), in that Respondent continued to operate as a PRLS business under unlicensed fictitious business names after the Department issued a Desist and Refrain Order, as set forth in factual finding numbers 2 through 23.

4. Cause does not exist to discipline the PRLS license issued to Respondent AHI pursuant to Business and Professions Code sections 10167.11, subdivisions (a) or (b), and 10167.12, subdivision (a)(1), in that Complainant did not establish by non-hearsay evidence that Respondent provided listings to prospective tenants that were not available or suitable, or that were not as described or advertised by Respondent AHI, as set forth in factual finding numbers 14 through 18.

5. Cause exists to discipline the PRLS license issued to Respondent AHI pursuant to Business and Professions Code sections 10167.11, subdivisions (b)(3), and 10167.12, subdivision (a)(1), in that Respondent, when using the "listing syndication" process, did not confirm the availability of a property for tenancy during the four-day period immediately preceding the dissemination of the listing information, as set forth in factual finding numbers 14 through 21.

6. Cause exists to discipline the PRLS licenses issued to Respondent pursuant to Business and Professions Code sections 10167.10, subdivision (b)(2), and 10167.12, subdivision (a)(1), in that Respondent failed to timely provide refunds of fees paid by prospective tenants for PRLS rental lists that did not meet contracted specifications, as set forth in factual finding numbers 14, 15, and 16.

#### DISCUSSION

7. Steven Shayan, Respondent's designated officer, had been notified by the Department in 2005 that he must desist and refrain from operating PRLS businesses under unlicensed fictitious business names. He submitted contracts to the Department in an attempt to comply with the Desist and Refrain Order. The Department approved the contract of Respondent AHI to engage in PRLS activities. The contracts for "4RentInLA" and "RentinSanFrancisco" were rejected by the Department. In response, Respondent made the contract revisions requested by the Department, and re-submitted the contracts for "4RentInLA" and "RentinSanFrancisco" for the Department's approval. The evidence established, however, that the Department never approved the contracts for "4RentInLA" or for "RentinSanFrancisco" and that the fictitious businesses nevertheless continued to offer PRLS services to prospective tenants, and collected membership fees, without being licensed by the Department. Steven Shayan had been put on notice that he was ordered to desist and refrain from operating the fictitious businesses, without first obtaining licenses for the businesses. Shayan attempted to comply with the order, and he obtained a license for

Respondent. However, he did not desist from operating PRLS activities from the other business websites, and he did not ensure that the licenses were obtained. Respondent presented credible evidence, through the testimony of Kevin Shayan and Steven Shayan, that it mistakenly believed it was permissible to engage in the PRLS activities under Respondent's license because the contracts for the fictitious businesses had been revised in accordance with a letter Respondent had received from the Department.

8. Respondent argues that it did not violate Section 10167.3, subdivision (a), because all of the PRLS businesses were operated from the same location. Section 10167.3, subdivision (a) states: "A separate application for a license as a prepaid listing service shall be made in writing for each location to be operated by a licensee other than a real estate broker." Respondent points out that the word "location" is defined in Section 10167, subdivision (c), as "the place, other than the main or branch office of a real estate broker, where a prepaid rental listing service business is conducted." Respondent contends that all of the websites were conducted from the business address for Respondent, (even though they had separate phone numbers for the convenience of the customers). Respondent argues that the "4RentInLA" and "RentinSanFrancisco" websites were thus merely extensions of Respondent's business that allowed it to offer services in Los Angeles and San Francisco. Respondent's argument is not persuasive.

9. The evidence established that Respondent had been given notice, through the Desist and Refrain Order, that it could not operate its PRLS activities under fictitious business names without first obtaining PRLS licenses for those businesses. Respondent knew what was required but failed to ensure that it fully complied with the Department's notice. It obtained the license for Respondent but failed to follow through in obtaining licenses or fictitious business name approval for the other entities.

10. Respondent argues that it was justified in believing the contracts for "4RentInLA" and "RentinSanFrancisco" had been approved because, pursuant to section 10167.9, subdivision (c), the Department did not respond within 15 days of the re-submission of the contracts. Section 10167.9, subdivision (c), states:

"The form of contract proposed to be used by a licensee to effect compliance with this section shall be filed with the department prior to use. Any modification of a form previously filed with the department, including a change in the name or business address of the licensee, shall also be filed prior to use. The department shall withhold the issuance of a renewal of a license until the department has approved the contract. If a proposed modification to a contract has not been approved or disapproved within 15 working days of being filed with the department, the proposed modification shall be deemed approved. If a proposed modification or contract provision is disapproved, the department shall communicate that disapproval in writing to the licensee within 15 working days of being filed with the department, accompanied by a written justification of why the modification or contract provision is contrary to the requirements of this article."

Respondent's argument is not persuasive. "4RentInLA" and "RentInSanFrancisco" never had approved contracts. This was not a case therefore of a "contract modification," such as for an address change of an existing contract, that could be deemed approved if no response was received within 15 days. The Department rejected the contracts for "4RentInLA" and "RentinSanFrancisco." They were never licensed by the Department. The Department complied with the provision by notifying Shayan and/or Respondent in writing that the Department disapproved of the contracts for "4RentInLA" and "RentinSanFrancisco."

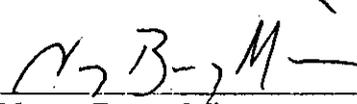
11. Respondent also violated Article 2.3, the statutory provisions concerning prepaid rental listing services, through its manner of operation. Kevin Shayan, Respondent's employee, admitted that Respondent engaged in a "listing syndication" process, where it posted listings on its website that were contained on other websites, without first verifying the availability of the property for tenancy during the four-day period immediately preceding dissemination of the listing information. Respondent, in essence, received permission from an "other authorized agent" to list the property, in accordance with Section 10167.11, subdivision (b)(4), but failed to confirm the availability of the listing, as required by Section 10167.11, subdivision (b)(3). Kevin Shayan's direct testimony concerning this practice was corroborated by the written complaints from prospective tenants, including Huff and Addison, and property managers, such as Nancy Wright, who complained that Respondent listed properties without verifying their availability and the accuracy of the information contained in the listing.

12. The testimony of Steven Shayan and Kevin Shayan established that Respondent violated Article 2.3 due to their mistaken belief that it was permissible to operate all business entities through the licensure of only Respondent. Shayan attempted to comply by submitting contracts for all entities. However, he failed to make sure the contracts had been approved, after their re-submission, and that all entities were either fully licensed or authorized as fictitious business names of Respondent. The following order is necessary for the protection of the public.

#### ORDER

Respondent Apartment Hunter, Inc.'s license as a Prepaid Rental Listing Service is suspended for six (6) months from the effective date of this Decision. Respondent must immediately desist and refrain from using any unlicensed or unauthorized fictitious business names to conduct PRLS activities. During suspension, Respondent must put in place revised business practices to ensure that all PRLS listings have been verified for availability and accuracy before the listing information is disseminated to its customers, and it must submit evidence of the revised business practices to the Department.

Dated: December 29, 2010

  
\_\_\_\_\_  
Nancy Beezy Micon  
Administrative Law Judge  
Office of Administrative Hearings

*Not Adopted*

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FILED  
FEB 11 2010  
DEPARTMENT OF REAL ESTATE

By C.B.

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of ) NO. H-36458 LA  
)  
12 APARTMENT HUNTERS, INC., ) A C C U S A T I O N  
13 a Prepaid Rental Listing )  
14 Service (PRLS) corporation, )  
15 Respondent. )

16 The Complainant, Robin Trujillo, a Deputy Real Estate  
17 Commissioner of the State of California, for cause of Accusation  
18 against APARTMENT HUNTERS, INC., a Prepaid Rental Listing  
19 Service ("PRLS") corporation, is informed and alleges as  
20 follows:

21 1.

22 The Complainant, Robin Trujillo, a Deputy Real Estate  
23 Commissioner of the State of California, makes this Accusation  
24 in her official capacity.

25 2.

26 At all times herein mentioned, Respondent APARTMENT  
27 HUNTERS, INC. ("AHI") was licensed and/or has license rights  
28 under the Real Estate Law (Part 1 of Division 4 of the

1 California Business and Professions Code) ("Code") as a Prepaid  
2 Rental Listing Service ("PRLS") corporation. Respondent AHI was  
3 a PRLS pursuant to Code Section 10167, wherein Respondent AHI  
4 supplied prospective tenants with listings of residential real  
5 properties for rent pursuant to an arrangement under which the  
6 prospective tenants were required to pay a fee in advance of, or  
7 contemporaneously with the supplying of the listings.  
8 Respondent AHI's license expired on May 10, 2009. Respondent  
9 has renewal rights under Section 10201 of the Code. The  
10 Department retains jurisdiction pursuant Code Section 10103.

11 3.

12 Steven K. Shayan ("Shayan") was the designated agent  
13 of Respondent AHI. Shayan is the President of Apartment  
14 Hunters, Inc. Shayan has never been licensed in any capacity by  
15 the Department of Real Estate ("Department").

16 4.

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

26 ///

27 ///

28 ///

FIRST CAUSE OF ACCUSATION

(Unauthorized Use of a Fictitious Business Name)

5.

At all times material herein, Respondent AHI maintained on file with the Department the location of 201 N. Robertson Blvd., Suite 202, Beverly Hills, California 90211, as Respondent AHI's main office address for its principal place of business for the conduct of its PRLS activities and further as its mailing address. Respondent AHI did not have any additional locations or fictitious business name licenses from the Department. During a period of time within the past three years, Respondent AHI and Shayan used the unlicensed fictitious business names "4RentInLA" and "RentinSanFrancisco" to engage in PRLS activities as said term is defined in Code Section 10167(a) in violation of Code Section 10167.3(a). Respondent AHI and Shayan while doing business as "4RentInLA" or "RentinSanFrancisco" solicited and supplied prospective tenants, including but not necessarily limited to, Sheila Addison, TeriLee Huff and Rubina Ismailyan, with a PRLS contract. Said contracts required payment of a fee in advance, or contemporaneously with the supplying of, listings of residential real property for tenancy.

6.

The conduct, acts, and/or omissions of Respondent AHI and Shayan as described in Paragraph 5 above, in using an unauthorized fictitious business name to conduct activities requiring a PRLS license, are in violation of Code Section 10167.3(a) and constitute cause for the suspension or revocation

1 of Respondent AHI's real estate license and/or license rights  
2 under the provisions of Code Section 10167.12(a)(1).

3  
4 SECOND CAUSE OF ACCUSATION  
(DRE Approval of Contract Requirement)

5 7.

6 There is hereby incorporated in this Second, separate  
7 cause of Accusation, all of the allegations contained in  
8 Paragraphs 1 through 6 above, with the same force and effect as  
9 if herein fully set forth.

10 8.

11 At all times material herein, Respondent AHI and  
12 Shayan while doing business as "4RentInLA" and/or  
13 "RentinSanFrancisco" supplied prospective tenants with a PRLS  
14 contract. Said contracts required prospective tenants to pay a  
15 fee in advance of, or contemporaneously with the supplying of,  
16 listings of residential real property for tenancy. Said  
17 contracts were not submitted by Respondent AHI to the Department  
18 for approval prior to use for PRLS services which is in  
19 violation of Code Section 10167.9(c).

20 9.

21 The conduct, acts, and/or omissions of Respondent AHI  
22 and Shayan as described in Paragraph 8 above, in using contracts  
23 that were not submitted to the Department for prior approval,  
24 are in violation of Code Section 10167.9(c) and constitute cause  
25 for the suspension or revocation of Respondent AHI's real estate  
26 license and/or license rights under the provisions of Code  
27 Sections 10167.12(a)(1).



14.

1  
2 On or about May 2, 2007, TeriLee Huff ("Huff") paid  
3 \$49 to Respondent AHI for use of its rental listing service.  
4 AHI in return supplied Huff with access to a listing of supposed  
5 suitable vacant rentals through their website  
6 www.apartmenthunterz.com. Huff contacted the property managers  
7 or owners for some of the rental properties listed as available  
8 on AHI's website. Huff learned that Respondent AHI was not  
9 authorized to list some of the rental units. Huff also  
10 discovered that the listings contained inaccurate information as  
11 to the monthly rental cost or that the units were not as  
12 described in the listing. Respondent AHI did not provide Huff  
13 with suitable listings. On May 8, 2007, Huff sent an email to  
14 support@caretsource.com (the customer service email account  
15 listed on AHI's website), to request a refund of the fee paid.  
16 The email message was returned undelivered due to an inability  
17 to connect to the destination mail server. Respondent AHI  
18 returned Huff's fee on September 22, 2008, after Huff filed a  
19 complaint with the Department against AHI.

15.

20  
21 On or about August 8, 2007, Sheila Addison ("Addison")  
22 paid \$69 to Respondent AHI for use of its rental listing  
23 service. AHI in return supplied Addison with access to a  
24 listing of supposed suitable vacant rentals through their  
25 website www.rentinsanfrancisco.com. Respondent AHI did not  
26 provide Addison with suitable listings. Addison received  
27 listings of rentals that were already rented, contained  
28 inaccurate information as to the monthly rental cost, or

1 contained inaccurate contact information. Addison requested but  
2 did not receive a refund until she submitted a complaint with  
3 the Department against AHI.

4 16.

5 Respondent AHI listed rental units without  
6 authorization from the property owners, managers or other  
7 authorized agent, including but not limited to the following  
8 individuals, Nancy Wright, Oliver Alfonso and Anica Westfall.  
9 The listings contained inaccurate information which included  
10 that the units were available when they were not and charged  
11 higher rental fees than what was actually charged by the  
12 property owners.

13 17.

14 The conduct, acts, and/or omissions of Respondent AHI  
15 and Shayan as described in Paragraphs 14 through 16 above, in  
16 providing listings to prospective tenants that were not  
17 available or suitable, that were not as described or advertised  
18 by Respondent AHI, and/or for which Respondent AHI had not  
19 obtained permission to list the property, were in violation of  
20 Code Sections 10167.11(a) and 10167.11(b) and constitute cause  
21 for the suspension or revocation of Respondent AHI's real estate  
22 license and/or license rights under the provisions of Code  
23 Sections 10167.12(a)(1).

24 18.

25 The conduct, acts, and/or omissions of Respondent AHI  
26 and Shayan as described in Paragraphs 14 and 15 above, in  
27 failing to refund all or portions of advance fees paid for  
28 listings as required under Code Section 10167.10(b)(2)

1 constitutes cause for the suspension or revocation of Respondent  
2 AHI's real estate license and/or license rights pursuant to Code  
3 Section 10167.12(a)(1).

4 WHEREFORE, Complainant prays that a hearing be  
5 conducted on the allegations of this Accusation and that upon  
6 proof thereof, a decision be rendered imposing disciplinary  
7 action against all licenses and/or license rights of Respondent  
8 APARTMENT HUNTERS, INC., a Prepaid Rental Listing Service (PRLS)  
9 corporation under the Real Estate Law (Part 1 of Division 4 of  
10 the Business and Professions Code) and for such other and  
11 further relief as may be proper under other applicable  
12 provisions of law.

13 Dated at Los Angeles, California

14 this 2 day of February, 2010.

15  
16   
17 ROBIN TRUJILLO  
18 Deputy Real Estate Commissioner  
19  
20  
21  
22  
23

24 cc: Apartment Hunters, Inc.  
25 Robin Trujillo  
26 Sacto.  
27  
28