

1 DAVID A. PETERS, Counsel (SBN 99528)
2 Department of Real Estate
3 P. O. Box 187000
4 Sacramento, CA 95818-7000

5 Telephone: (916) 227-0789
6 -or- (916) 227-0781 (Direct)
7

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Order to)
12 Desist and Refrain issued against:) DRE No. H-1477 FRESNO
13 TIMOTHY HAROLD HART and) OAH No. N-2001050320
14 CENTRAL VALLEY PROPERTIES, INC.,)
15 Respondents.)

16 In the Matter of the Accusation of) DRE No. H-1483 FRESNO
17 TIMOTHY HAROLD HART,) OAH No. Not Assigned
18 Respondent.) MOTION TO CONSOLIDATE
19 CASES FOR HEARING

20 Date: August 23, 2001
21 Times: 9:00 a.m.

22 The Department of Real Estate hereby requests that the
23 Administrative Law Judge consolidate for hearing the Order to
24 Desist and Refrain against TIMOTHY HAROLD HART and CENTRAL
25 VALLEY PROPERTIES, INC. (File No. H-1477 FRESNO) and the
26 Accusation against TIMOTHY HAROLD HART (File No. H-1483 FRESNO).
27 The Order to Desist and Refrain case is set for hearing on
August 23, 2001, before the Office of Administrative Hearings in

1 Fresno at 9:00 a.m. The allegations in both cases are the
2 result of the same facts and circumstances.

3 This motion is made to consolidate the cases and to
4 request that the consolidated hearing commence on August 23,
5 2001 at 9:00 a.m. in Fresno.

6 Respondents' attorney of record, John E. Barrus, in a
7 telephone conversation, agreed to the proposed consolidation for
8 hearing.

9 DATED: May 30, 2001

DEPARTMENT OF REAL ESTATE

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DAVID A. PETERS, Counsel

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DECLARATION OF MAILING

State of California
Department of Real Estate

In the Matter of the Order to Desist and Refrain Issued Against:

TIMOTHY HAROLD HART and CENTRAL VALLEY PROPERTIES, INC.

H-1477 FRESNO

STATE OF CALIFORNIA

COUNTY OF SACRAMENTO

} ss.

I am a citizen of the United States, over the age of eighteen years, and not a party to the within action;
I am employed in the office of the Department of Real Estate of the State of California at 2201 Broadway, Sacramento, CA 95818.

On May 30, 2001, I served the following document(s):

Accusation

Service Notice

Order to Desist and Refrain
(B&P Code Section 10086)

Statement of Issues

Notice of Service

Request for Discovery

✓ Other: MOTION TO CONSOLIDATE CASES FOR HEARING

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

TIMOTHY HAROLD HART
CENTRAL VALLEY PROPERTIES, INC.
3381 N. Bond, Suite 102
Fresno, CA 93726
(Respondents)

JOHN E. BARRUS
Christensen and Barrus, Inc.
7112 North Fresno Street, Suite 140
Fresno, CA 93720
(Attorney for Respondents)

✱ (By Mail) I caused such envelope with postage thereon fully prepaid to be placed in the United States mail at Sacramento, California.

(By Certified Mail) I caused such envelope with postage thereon fully prepaid and certified to be placed in the United States mail at Sacramento, California.

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

Executed on May 30, 2001 at Sacramento, California.


KATHLEEN CONTRERAS

DECLARATION OF MAILING

State of California
Department of Real Estate

In the Matter of the Accusation of:

TIMOTHY HAROLD HART

H- 1483 FRESNO

STATE OF CALIFORNIA

COUNTY OF SACRAMENTO

} ss.

I am a citizen of the United States, over the age of eighteen years, and not a party to the within action;
I am employed in the office of the Department of Real Estate of the State of California at 2201 Broadway, Sacramento, CA 95818.

On May 30, 2001, I served the following document(s):

Accusation

Decision/Proposed Decision

Notice of Hearing

Statement of Issues

Statement to Respondent

Request for Discovery

Notice of Defense

Provisions of APA Relating to Discovery

✓ Other: MOTION TO CONSOLIDATE CASES FOR HEARING

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

TIMOTHY HAROLD HART
4974 N. Fresno St., #363
Fresno, CA 93726
(Respondent)

TIMOTHY HAROLD HART
3381 N. Bond, Suite 102
Fresno, CA 93726
(Respondent)

JOHN E. BARRUS
Christensen and Barrus, Inc.
7112 North Fresno Street, #140
Fresno, CA 93720
(Attorney for Respondent)

✱ (By Mail) I caused such envelope with postage thereon fully prepaid to be placed in the United States mail at Sacramento, California (As Noted).

(By Certified Mail) I caused such envelope with postage thereon fully prepaid and certified to be placed in the United States mail at Sacramento, California (As Noted).

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

Executed on May 30, 2001 at Sacramento, California.


KATHLEEN CONTRERAS

1 DAVID A. PETERS, Counsel (SBN 99528)
2 Department of Real Estate
3 P. O. Box 187000
4 Sacramento, CA 95818-7000

5 Telephone: (916) 227-0789
6 -or- (916) 227-0788 (Direct)

FILED

MAY 30 2001

DEPARTMENT OF REAL ESTATE

By Lauriel Zisin

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 TO:) No. H-1477 FRESNO
12)
13 TIMOTHY HAROLD HART and) OAH No. N-2001050320
14 CENTRAL VALLEY PROPERTIES, INC.)
15) AMENDED NOTICE OF HEARING ON
16) ORDER TO DESIST AND REFRAIN

17 On March 8, 2001, the Real Estate Commissioner of the
18 State of California issued her Order, directing the above-named
19 party to desist and refrain from certain alleged activities; and

20 JOHN E. BARRUS, Attorney for TIMOTHY HAROLD HART and
21 CENTRAL VALLEY PROPERTIES, INC., made a request received on
22 May 3, 2001, for hearing pursuant to Sections 10086 of the
23 Business and Professions Code of the State of California.

24 YOU ARE HEREBY NOTIFIED that a hearing on the Order to
25 Desist and Refrain which was set for Friday, June 1, 2001 has
26 been continued by the Office of Administrative Hearings. The
27 new hearing will be held before the Department of Real Estate at
the State Building, 2550 Mariposa Mall, Room 1027, Fresno, CA

1 93721 on Thursday, August 23, 2001, commencing at 9:00 AM, or as
2 soon thereafter as the matter can be heard, upon the matters
3 contained in the ORDER TO DESIST AND REFRAIN filed March 8,
4 2001.

5 You may be present at the hearing and may be
6 represented by counsel, but you are neither required to be
7 present at the hearing, nor are you required to be represented
8 by counsel.

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

15 DATED: May 30, 2001

16 PAULA REDDISH ZINNEMANN
17 Real Estate Commissioner

18
19 By:


20 DAVID A. PETERS
21 Counsel
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27

1 DAVID A. PETERS, Counsel (SBN 99528)
2 Department of Real Estate
3 P. O. Box 187000
4 Sacramento, CA 95818-7000

5 Telephone: (916) 227-0789
6 -or- (916) 227-0788 (Direct)

FILED

MAY - 8 2001

DEPARTMENT OF REAL ESTATE

By *Maricel A. Zuniga*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 TO:) No. H-1477 FRESNO
12)
13 TIMOTHY HAROLD HART and) NOTICE OF HEARING ON
CENTRAL VALLEY PROPERTIES, INC.) ORDER TO DESIST AND REFRAIN
14)

15 On March 8, 2001, the Real Estate Commissioner of the
16 State of California issued her Order, directing the above-named
17 party to desist and refrain from certain alleged activities; and

18 JOHN E. BARRUS, Attorney for TIMOTHY HAROLD HART and
19 CENTRAL VALLEY PROPERTIES, INC., made a request received on
20 May 3, 2001, for hearing pursuant to Sections 10086 of the
21 Business and Professions Code of the State of California.

22 YOU ARE HEREBY NOTIFIED that a hearing on the Order to
23 Desist and Refrain will be held before the Department of Real
24 Estate with the Office of Administrative Hearings, at the State
25 Building, 2550 Mariposa Mall, Room 1027, Fresno, CA 93721 on
26 Friday, June 1, 2001, commencing at 9:00 AM, or as soon
27 thereafter as the matter can be heard, upon the matters

contained in the ORDER TO DESIST AND REFRAIN filed
March 8, 2001.

You may be present at the hearing and may be represented by counsel, but you are neither required to be present at the hearing, nor are you required to be represented by counsel.

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

DATED: May 8, 2001

PAULA REDDISH ZINNEMANN
Real Estate Commissioner

By: David A. Peters
DAVID A. PETERS
Counsel

1 Department of Real Estate
2 P. O. Box 187000
3 Sacramento, CA 95818-7000
4
5 Telephone: (916) 227-0789
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FILED
MAR 16 2001

DEPARTMENT OF REAL ESTATE

Lucie L. Zain

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 TO:) No. H-1477 FRESNO
12)
13 TIMOTHY HAROLD HART and) ORDER TO DESIST AND REFRAIN
CENTRAL VALLEY PROPERTIES, INC.) (B&P Code Section 10086)
14)

15 The Real Estate Commissioner of the State of California
16 has caused an investigation to be conducted and is of the opinion
17 that you, TIMOTHY HAROLD HART, and you, CENTRAL VALLEY
18 PROPERTIES, INC. have violated Section 10130 of the Business and
19 Professions Code of the State of California in that you, TIMOTHY
20 HAROLD HART engaged in property management activities without an
21 employing broker and on or after March 6, 1999, at a time when
22 your real estate salesperson license had expired and without
23 first obtaining a real estate broker license, and you, CENTRAL
24 VALLEY PROPERTIES, INC. engaged in property management activities
25 without first obtaining a real estate broker license. This
26 opinion is based on the findings set forth below.

27 ///

I

On or about March 6, 1999, the real estate salesperson license of you, TIMOTHY HAROLD HART (hereinafter "you Hart"), expired.

II

On or about October 29, 1988, the real estate broker corporation license of you, CENTRAL VALLEY PROPERTIES, INC. (hereinafter "you PROPERTIES"), expired.

III

Beginning on or about January 10, 1999 and at various times thereafter, in Fresno County, California, for or in expectation of a compensation you HART, and you PROPERTIES, solicited prospective tenants for, negotiated rental agreements for and collected rents from real properties owned by another or others.

IV

By the commission of the acts alleged above, you HART, and you PROPERTIES, engaged in the business and acted in the capacity of a real estate broker within the State of California as defined by Section 10131(b) of the Business and Professions Code.

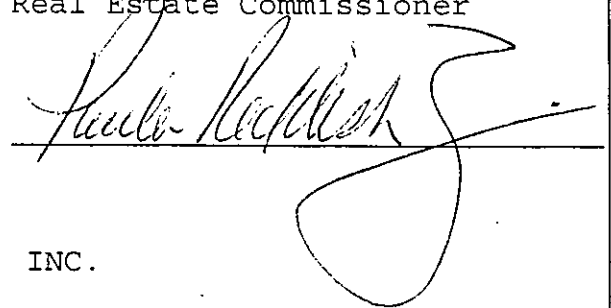
V

Prior to engaging in the business of and acting in the capacity of a real estate broker within the State of California, you HART, and you PROPERTIES failed to obtain a real estate broker license from the Department of Real Estate in violation of Section 10130 of the Code.

1 NOW, THEREFORE, YOU TIMOTHY HAROLD HART, AND YOU
2 CENTRAL VALLEY PROPERTIES, INC. ARE ORDERED TO DESIST AND REFRAIN
3 from performing any and all acts within the State of California
4 for which a real estate broker license is required, unless and
5 until you obtain a real estate broker license.

6 DATED: March 8, 2001

7 PAULA REDDISH ZINNEMANN
8 Real Estate Commissioner

9 
10

11 cc: TIMOTHY HAROLD HART
12 CENTRAL VALLEY PROPERTIES, INC.
13 3381 N. Bond, Suite 102
14 Fresno, CA 95826
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