

1 DEPARTMENT OF REAL ESTATE  
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FILED

JUN 24 2009

DEPARTMENT OF REAL ESTATE

By K. Contreras

8 STATE OF CALIFORNIA  
9 DEPARTMENT OF REAL ESTATE

11 To: ) NO. H-2401 FR  
12 )  
13 BREENA McKENNA. ) ORDER TO DESIST AND REFRAIN  
14 ) (B&P Code Section 10086)

15 The Commissioner (Commissioner) of the California Department of Real Estate  
16 (Department) caused an investigation to be made of the activities of BREENA McKENNA  
17 (McKENNA). Based on that investigation, the Commissioner has determined that McKENNA  
18 has engaged in, is engaging in, or is attempting to engage in, acts or practices constituting  
19 violations of the California Business and Professions Code (Code) and/or Title 10, Chapter 6,  
20 California Code of Regulations (Regulations) including acting in the capacity of, advertising, or  
21 assuming to act as a real estate broker in the State of California within the meaning of Code  
22 Section 10131(b) (property management services). Furthermore, based on the investigation, the  
23 Commissioner hereby issues the following Findings of Fact and Desist and Refrain Order under  
24 the authority of Code Section 10086.

25 FINDINGS OF FACT

26 1. At no time herein mentioned has McKENNA been licensed by the Department  
27 in any capacity.

1                   2. During the periods of time set out below, McKENNA negotiated to do one or  
2 more of the following acts for another or others, for or in expectation of compensation: lease or  
3 rent or offer to lease or rent; place for rent; solicit listings of places for rent; solicit for  
4 prospective tenants; negotiate the sale, purchase or exchange of leases on real property, or on a  
5 business opportunity; collect rents from real property, or improvements thereon, or from business  
6 opportunities.

7                   3. On or about October 27, 2007, McKENNA entered into a Rental/Lease  
8 Contract, representing herself as "Owner's Agent" for Virginia Vargas, with Frank L. and  
9 Elizabeth J. Johnson to lease property located at 3448 Pala Ct., Merced, CA 95340, and collected  
10 rent on said property between approximately November 15, 2007 and February 28, 2008, without  
11 having first obtained a real estate broker license, in violation of Code Sections 10130 and  
12 10131(b).

13                   4. On or about April 17, 2008, McKENNA solicited the Department's Deputy  
14 Commissioner Irene Reyes to rent office space for Ms. Reyes' "Mary Kay business," without  
15 having first obtained a real estate broker license, in violation of Code Sections 10130 and  
16 10131(b).

17                                   CONCLUSIONS OF LAW

18                   5. Based on the Findings of Fact contained in Paragraphs 1 through 4,  
19 McKENNA has performed and/or participated in property management activities which require  
20 a real estate license under Code Sections 10130 and 10131(b) during a period of time when  
21 McKENNA was not licensed by the Department in any capacity.

22                                   DESIST AND REFRAIN ORDER

23  
24                   Based upon the Findings of Fact and Conclusions of Law stated herein, you  
25 BREENA McKENNA, ARE HEREBY ORDERED to immediately Desist and Refrain from  
26 performing any acts within the State of California for which a real estate broker license is  
27 required, and in particular, that you immediately Desist and Refrain from providing or

1 participating in property management services for others and for compensation unless and until  
2 you, individually, obtain an appropriate license issued by the Department.

3  
4 DATED: 6/23, 2009

5 JEFF DAVI  
6 Real Estate Commissioner

7  
8 By:

  
9 BARBARA J. BIGBY  
10 Chief Deputy Commissioner

11  
12  
13 **- NOTICE -**

14 Business and Professions Code Section 10139 provides that, "Any person acting as a real  
15 estate broker or real estate salesperson without a license or who advertises using words  
16 indicating that he or she is a real estate broker without being so licensed shall be guilty of a  
17 public offense punishable by a fine not exceeding twenty thousand dollars (\$20,000), or by  
18 imprisonment in the county jail for a term not to exceed six months, or by both fine and  
19 imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars  
20 (\$60,000) . . ."

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22  
23 cc: BREENA McKENNA  
24 967 Arrowwood Lane  
Atwater, CA 95301

25 cc: BREENA McKENNA  
26 5220 Queen Elizabeth Drive  
Atwater, CA 95301

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ORDER TO DESIST AND REFRAIN