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DEPARTMENT OF REAL ESTATE
P. O. Box 187007
Sacramento, CA 95818-7007

Telephone: (916) 227-0789

FILED
MAR 18 2010
DEPARTMENT OF REAL ESTATE
By *L. Just*

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

TO:)	
)	NO. H-2465 FR
JOHN BURTON HOWARD)	
dba J. B. HOWARD & ASSOCIATES)	<u>ORDER TO</u>
and EDNA MARTIN)	<u>DESIST AND REFRAIN</u>
)	(B&P Code Section 10086)
)	

The Real Estate Commissioner (Commissioner) of the State of California Department of Real Estate (Department) has caused an investigation to be made of your activities including engaging in the business of, acting in the capacity of, advertising, or assuming to act as a real estate broker in the State of California within the meaning of Section 10131(a) and (d) of the California Business & Professions Code (the Code). Based upon the findings of that investigation, as set forth below, the Commissioner has determined, and is of the opinion that JOHN BURTON HOWARD (HOWARD) dba J. B. HOWARD & ASSOCIATES (JBH) has employed and/or compensated one or more unlicensed persons to act in the capacity of a real estate broker or salesperson in violation of Section 10137 of the Code (it is unlawful for a licensed real estate broker to employ a person to perform real estate duties who does not have a license).

1 Based upon the findings of that investigation, the Commissioner has also
2 determined, and is of the opinion that EDNA MARTIN (MARTIN) has acted in the capacity of
3 a real estate broker or salesperson without having first been licensed by the Department in any
4 capacity, in violation of Section 10130 of the Code (it is unlawful for any person to engage in
5 the business of a real estate salesperson or broker without a license).

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7 In approximately October 2007 through October 2008, HOWARD employed
8 and/or compensated MARTIN for performing acts which require a real estate license pursuant to
9 Section 10131(b) of the Code (property management).

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11 From approximately October 2007 through October 2008, MARTIN, negotiated
12 to do one or more of the following acts for another or others, for or in expectation of
13 compensation: lease or rent or offer to lease or rent; place for rent; solicit listings of places for
14 rent; solicit for prospective tenants; negotiate the sale, purchase or exchange of leases on real
15 property, or on a business opportunity; collect rents from real property, or improvement thereon,
16 or from business opportunities.

17 NOW, THEREFORE YOU, JOHN BURTON HOWARD, ARE ORDERED TO
18 DESIST AND REFRAIN from employing and/or compensating any person for performing any
19 acts which require a real estate license within the State of California unless and until that person
20 has obtained from the Department a real estate broker or real estate salesperson license.

21 NOW, THEREFORE, YOU, EDNA MARTIN, ARE HEREBY ORDERED

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1 TO DESIST AND REFRAIN from performing any acts within the State of California for which
2 a real estate broker license is required, unless and until you obtain an appropriate license from
3 the Department.

4 DATED: 2/3/2010

5 JEFF DAVI
6 Real Estate Commissioner

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10 **Notice:** Business and Professions Code Section 10139 provides that "Any person acting as a
11 real estate broker or real estate salesperson without a license or who advertises using words
12 indicating that he or she is a real estate broker without being so licensed shall be guilty of a
13 public offense."

14 cc: JOHN BURTON HOWARD
15 4 San Benito Street
16 Hollister, CA 95023

17 EDNA MARTIN
18 4 San Benito Street
19 Hollister, CA 95023
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