

FILED

DEC 16 2010

DEPARTMENT OF REAL ESTATE

By K. Mar

1 DEPARTMENT OF REAL ESTATE  
2 P. O. Box 187007  
3 Sacramento, CA 95818-7007  
4 Telephone: (916) 227-0789  
5

6 BEFORE THE DEPARTMENT OF REAL ESTATE  
7 STATE OF CALIFORNIA  
8

9 \* \* \*

10 To:	)	
	)	NO. H-2574 FR
D BEST REALTY, INC.,	)	
MARISOL and	)	<u>ORDER TO DESIST AND REFRAIN</u>
DRAR BEN AMY.	)	(B&P Code Section 10086)
	)	
	)	

14 The Real Estate Commissioner (Commissioner) of the State of California has  
15 caused an investigation to be made of the activities of D BEST REALTY, INC. (D BEST),  
16 DRAR BEN AMY (AMY) and an unidentified person known as MARISOL, including engaging  
17 in the business of, acting in the capacity of, advertising or assuming to act as a real estate broker  
18 in the State of California within the meaning of Section 10131(b) of the California Business &  
19 Professions Code (the Code). Based upon the findings of that investigation, as set forth below,  
20 the Commissioner has determined and is of the opinion that AMY and MARISOL, have violated  
21 Section 10130 of the Code by engaging in the business of or acting as a real estate salesperson  
22 or broker, within the meaning of Sections 10130 and 10131(b) of the Code without first having  
23 obtained a real estate license from the California Department of Real Estate (Department) and  
24 that D BEST has employed and or compensated AMY and MARISOL to perform acts which  
25 require a Real Estate License, in violation of Sections 10137 and/or Section 10138 of the Code.  
26 Whenever acts referred to below are attributed to D BEST, those acts are alleged to have been  
27 done by D BEST, acting by itself, or by and/or through one or more agents, associates, and/or

1 co-conspirators, and using other names, or fictitious names unknown at this time (the related  
2 entities).

3 FINDINGS OF FACT

4 1. At all times mentioned herein, D BEST REALTY, INC. was licensed by  
5 the Department as a corporate real estate broker.

6 2. At no time mentioned herein was AMY, licensed by the Department as a  
7 real estate salesperson or real estate broker, as appropriate.

8 3. At no time mentioned herein was MARISOL, licensed by the Department  
9 as a real estate salesperson or real estate broker, as appropriate.

10 4. At all times mentioned herein between on or about October 22, 2009 and  
11 continuing up to at least October 15, 2010, AMY engaged in the business of, acted in the  
12 capacity of, or assumed to act as a real estate broker within the State of California within the  
13 meaning of Section 10131(b) of the Code, including leasing, renting, or offering places to rent,  
14 negotiating the sale or purchase of leases of real property or collecting rents on real property for  
15 compensation or in expectation of compensation, including but not limited to real property  
16 commonly known as: 1806/1808 Larcus Avenue, 2190 Monterey Street and 1813 R Street and  
17 each located in Bakersfield, California.

18 5. At all times mentioned herein between on or about October 22, 2009 and  
19 continuing up to at least October 15, 2010, MARISOL engaged in the business of, acted in the  
20 capacity of, or assumed to act as a real estate broker within the State of California within the  
21 meaning of Section 10131(b) of the Code, including leasing, renting, or offering places to rent,  
22 negotiating the sale or purchase of leases of real property or collecting rents on real property for  
23 compensation or in expectation of compensation, including but not limited to real property  
24 commonly known as: 3305 Bridge Street, Bakersfield, California.

25 6. On or about October 22, 2009, until the present, D BEST hired  
26 AMY and MARISOL to engage in the business of, acted in the capacity of, or assumed to act as

27 ///

1 a real estate salesperson or real estate broker within the State of California within the meaning  
2 of Section 10131(b) of the Code, including those acts described above, in Paragraph 4.

3 CONCLUSIONS OF LAW

4 1. Based on the findings of fact contained in paragraphs 1 through 6,  
5 D BEST, AMY and MARISOL among other things, solicited and/or performed services for  
6 landlords, borrowers, including but not limited collecting rents and depositing the same into  
7 trust accounts, offering places to rent on behalf of landlords, for or in expectation of a  
8 compensation and claimed, demanded, charged, received, collected or contracted for an  
9 advanced fee for such services. Thus, D BEST violated Section 10137 (Employ/Compensate  
10 Unlicensed Person) and/or Section 10138 (Penalties/Unlawful Compensation) of the Code and  
11 AMY and MARISOL violated Sections 10130 (Act as a Real Estate Salesperson or Broker  
12 Without a License) and 10131(b) (Engaging in Property Management Activities) of the Code.

13 DESIST AND REFRAIN ORDER

14 Now, therefore DRAR BEN AMY and MARISOL ARE HEREBY ORDERED  
15 to immediately desist and refrain from:

- 16 (1) Performing any and all acts within the State of California for which a real estate  
17 salesperson or broker license is required, unless and until he or she obtains a real  
18 estate salesperson or broker license;

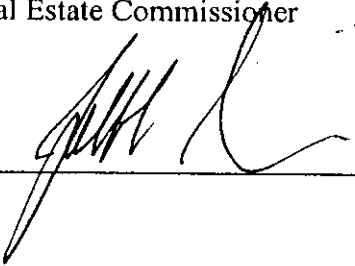
19 ///  
20 ///  
21 ///  
22 ///  
23 ///  
24 ///  
25 ///  
26 ///  
27 ///

1 Now, therefore D BEST REALTY, INC., its employees, agents, official  
2 successors and assigns, IS HEREBY ORDERED to immediately desist and refrain from:

- 3 (1) Employing and/or compensating unlicensed persons for performing acts which  
4 require a real estate license until those persons are properly licensed as real estate  
5 salespersons or real estate brokers.

6 DATED: 12/7/10

7 JEFF DAVI  
8 Real Estate Commissioner

9  
10   
11  
12

13 **-NOTICE-**

14 Business and Professions Code Section 10139 provides that "Any person acting  
15 as a real 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)..."

21  
22 cc: Yitzchok Yitzy Pearson, Designated Officer  
23 **D BEST REALTY, INC.**  
24 405 South Chester Avenue  
25 Bakersfield, CA 93304

26 Yitzchok Yitzy Pearson, Designated Officer  
27 **D BEST REALTY, INC.**  
1893 Flower Street  
Bakersfield, CA 93305

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

Dixon Glenn Kummer  
Gattuso & Kummer  
as Agent for Service of Process for **D BEST REALTY, INC.**  
1200 Truxtun Avenue, #140  
Bakersfield, CA 93301

**DRAR BEN AMY**  
1893 Flower Street  
Bakersfield, CA 93305

**MARISOL**  
1893 Flower Street  
Bakersfield, CA 93305

ATTY RKU/km