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

Telephone: (916) 227-0789

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To:

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JUN 2 0 2011

DEPARTMENT OF REAL ESTATE

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STATE OF CALIFORNIA DEPARTMENT OF REAL ESTATE

NO. H-2644 FR

ROBYN KISSLER.

ORDER TO DESIST AND REFRAIN (B&P Code Section 10086)

The Commissioner (Commissioner) of the California Department of Real Estate (Department) has caused an investigation to be made of the activities of ROBYN KISSLER (KISSLER). Based on that investigation, the Commissioner has determined that KISSLER has engaged in, is engaging in, or is attempting to engage in, acts or practices constituting violations of the California Business and Professions Code (Code) including acting in the capacity of, advertising, or assuming to act as a real estate broker in the State of California within the meaning of Code Section 10131(b) (property management services). Furthermore, based on the investigation, the Commissioner hereby issues the following Findings of Fact and Desist and Refrain Order under the authority of Code Section 10086.

<u>FINDINGS OF FACT</u>

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

ORDER TO DESIST AND REFRAIN

-1-

ROBYN KISSLER

- 3. Between about June 2009 and June 2010, KISSLER negotiated rental and/or lease contracts, solicited prospective tenants, collected rent payments, and disbursed trust funds for property owner William K. for property located on Dundee Avenue, Ben Lomond, CA 95005, without having first obtained a real estate broker license, in violation of Code Sections 10130 and 10131(b).
- 4. Between about August 2009 and August 2010, KISSLER negotiated rental and/or lease contracts, solicited prospective tenants, collected rent payments, and disbursed trust funds for property owner Marylou C. for property located on Paone Dr., Boulder Creek, CA 95006, without having first obtained a real estate broker license, in violation of Code Sections 10130 and 10131(b).

CONCLUSIONS OF LAW

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

DESIST AND REFRAIN ORDER

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

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| 1 | participating in property management services for others and for compensation unless and until |
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| 2 | you, individually, obtain an appropriate license issued by the Department. |
| 3 | - |
| 4 | DATED: |
| 5 | BARBARA J. BIGBY |
| 6 | Acting Real Estate Commissioner |
| 7 | |
| 8 | Dagara Koda |
| 9 | |
| 10 | |
| 11 | NOTICE |
| 12 | - NOTICE |
| 13 | Business and Professions Code Section 10139 provides that, "Any person acting |
| 14 | as a real estate broker or real estate salesperson without a license or who advertises using words |
| 15 | indicating that he or she is a real estate broker without being so licensed shall be guilty of a |
| 16 | public offense punishable by a fine not exceeding twenty thousand dollars (\$20,000), or by |
| 17 | imprisonment in the county jail for a term not to exceed six months, or by both fine and |
| 18 | imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars |
| 19 | (\$60,000) " |
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| 21 | |
| 22 | |
| 23 | , |
| 24 | |
| 25 | cc: ROBYN KISSLER 20141 Old Big Basin Road |
| 26 | Boulder Creek, CA 95006 |
| 27 | |

ORDER TO DESIST AND REFRAIL

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ROBYN KISSLER