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3 Los Angeles, California 90013-1105

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FILED

JUL 11 2014

BUREAU OF REAL ESTATE

By 

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6
7 BEFORE THE BUREAU OF REAL ESTATE

8 STATE OF CALIFORNIA

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11 TO:)
12 CAMBRIA SEASIDE GETAWAYS,) CalBRE No. H-2898 FR
13 RUTH SHURTZ aka Beatrice Ruth Shurtz and) ORDER TO DESIST AND REFRAIN
14 Beatrice R. Shurtz, and) (B&P Section 10086)
15 LESLIANN MARIE GODFREY aka)
16 Lesliann Godfrey and Leslie Godfrey,)
DON BRICKER PROPERTIES, and)
DON BRICKER PROPERTY MANAGEMENT.)

17 The Commissioner ("Commissioner") of the California Bureau of Real Estate
18 ("Bureau") caused an investigation to be made of the activities of CAMBRIA SEASIDE
19 GETAWAYS, BEATRICE RUTH SHURTZ aka Beatrice R. Shurtz and Ruth Shurtz, and
20 LESLIANN MARIE GODFREY aka Lesliann Godfrey and Leslie Godfrey, DON BRICKER
21 PROPERTIES, and DON BRICKER PROPERTY MANAGEMENT (collectively
22 "Respondents"). Based on that investigation, the Commissioner has determined that
23 Respondents have engaged in or are engaging in acts or attempting to engage in the business of,
24 acting in the capacity of, and/or advertising or assuming to act as real estate brokers in the State
25 of California within the meaning of Business and Professions Code ("Code") Section 10131
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1 (b) (lease or rent or offer to lease or rent, or place for rent, or solicit listings of places for rent, or
2 solicit for prospective tenants, or negotiate the sale, purchase, or exchanges of leases on real
3 property, or on a business opportunity, or collect rents from real property or improvements
4 thereon, or from business opportunities).

5 In addition, based on that investigation, the Commissioner has determined that
6 Respondents have engaged in or are engaging in acts or are attempting to engage in practices
7 constituting violations of the Code. Based on the findings of that investigation, set forth below,
8 the Commissioner hereby issues the following Findings of Fact, Conclusions of Law, and Desist
9 and Refrain Order under the authority of Section 10086 of the Code.
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11 FINDINGS OF FACT

12 1. For an unknown period of time including the previous three years, in the State
13 of California, for compensation or in expectation of compensation, Respondents solicited listings
14 of places for rent, solicited prospective tenants for, negotiated rental agreements for and
15 collected rents from real properties owned by another or others, including, but not limited to,
16 Anthony T. and Jennifer B., Bob and Margaret H., James G. and Jan C., Olivia S., Marianne L.,
17 Susan and Larry F., Susan B. and Patrick C., Bob and Charthel E., and Gregory H.
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19 2. From August 10, 1969, through the present, Donald Noel Bricker ("Bricker")
20 has been licensed by the Bureau of Real Estate ("Bureau") as a real estate broker, License ID
21 00277868. At all relevant times herein, Bricker was not licensed to do business under a fictitious
22 business name.

23 3. From February 2, 1995, through the present, Don N. Bricker Real Estate, Inc.
24 ("DNBREI") has been licensed by the Bureau as a real estate corporation, License ID 01191873.
25 DNBREI was licensed to do business as Coldwell Banker Don Bricker Real Estate, Inc. from
26

1 November 19, 1998 through January 22, 2012. DNBREI's current license status is in a non-
2 working status (NBA) meaning that there is no business address and that the corporation may not
3 perform acts for which a real estate license is required in California. Moreover, DNBREI's
4 corporate status is dissolved according to the California Secretary of State.

5
6 4. From on or about February 2, 1995, through January 23, 2012, DNBREI was
7 authorized to act by and through Bricker as its broker-officer designated pursuant to Code
8 Section 10159.2 to be responsible for ensuring compliance with the Real Estate Law. On or
9 about December 15, 2011, Bricker served notice to the Bureau of his cancelation of the license
10 for DNBREI.

11 5. From September 17, 1992, through the present, James M. Silvers ("Silvers")
12 has been licensed by the Bureau as a real estate broker, License ID 01004750. At all relevant
13 times herein, Silvers was only licensed to do business under the fictitious business name, Sand
14 Shell Realty.

15 6. BEATRICE RUTH SHURTZ aka Beatrice R. Shurtz and Ruth Shurtz
16 ("SHURTZ") has never been licensed in any capacity by the Bureau.

17 7. LESLIANN MARIE GODFREY aka Lesliann Godfrey and Leslie Godfrey
18 ("GODFREY") has never been licensed in any capacity by the Bureau. On or about December
19 17, 2008, Godfrey submitted an application for a real estate salesperson license with the Bureau.
20 The application lists DNBREI as her sponsoring broker.

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22 8. CAMBRIA SEASIDE GETAWAYS, DON BRICKER PROPERTY
23 MANAGEMENT, and DON BRICKER PROPERTIES have never been licensed in any capacity
24 by the Bureau.

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1 9. For an unknown period of time including the previous three years, Bricker and
2 DNBREI engaged in property management activities that require a real estate license pursuant to
3 Code Section 10131, subdivision (b). In connection with the property management activities
4 above, BRICKERS and DNBREI accepted or received funds in trust ("trust funds") in
5 connection with the property management activities handled by Bricker and DNBREI on behalf
6 of others. Bricker and DNBREI maintained at least four (4) different business checking accounts
7 for the handling of receipts and disbursements of trust funds as follows:
8

9 Bank Account 1 (B/A 1)

10 Bank Name: Rabobank, NA

11 Account Name: Don Bricker Real Estate, Inc. Property Management Division

12 Account # XXXXX4401

13 Signatories: Bricker, SHURTZ, and GODFREY

14 Bank Account 2 (B/A 2)

15 Bank Name: Rabobank, NA

16 Account Name: Don Bricker Property Management, Inc.

17 Account # XXXXX5201

18 Signatories: Bricker, SHURTZ, and GODFREY

19 Bank Account 3 (B/A 3)

20 Bank Name: Rabobank, NA

21 Account Name: Don Bricker Real Estate, Inc.

22 Account # XXXXX4101

23 Signatories: unknown

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Bank Account 4 (B/A 4)

Bank Name: Rabobank, NA

Account Name: Coldwell Banker Don Bricker Real Estate, Inc. Property Management

Account # XXXXX5811

Signatories: Bricker

10. In the course of activities described above in Paragraph 9, above, Bricker and DNBREI failed to comply with the trust fund handling requirements set forth in Code section 10145.

11. On or about November 2, 2010, DON BRICKER PROPERTIES entered into a residential lease or month-to-month rental agreement (rental agreement) with William and Nathan P. for property located at 2525 Banbury, Cambria, California. Said property was owned by James G. Bricker is listed as the agent for broker, DON BRICKER PROPERTIES.

12. On or about December 1, 2011, DON BRICKER PROPERTY MANAGEMENT entered into a rental agreement with Juan and Isela V. for property located at 1889 Orville, Cambria, California. Said property was owned by Susan B. and Patrick C. Bricker is listed as the agent and broker on the rental agreement.

13. On or about December 28, 2011, Bricker sold his property management business and all of its outstanding accounts to SHURTZ in consideration for \$20,000, which was to be paid in installments. SHURTZ was required to comply with certain terms and conditions as part of the agreement including, maintaining the office location at 702 Main Street and paying monthly rent for said office location until the expiration of the agreement in 2017.

14. On December 28, 2011, SHURTZ signed a statement titled "Full Time Rentals" which listed various rental properties and the security deposits claimed to be held by

1 DNBREI as of December 28, 2011. The total amount of security deposits for 14 properties listed
2 is \$21,975.00. According to the bank statements for B/As 1-4, the daily balances for the bank
3 accounts were as follows:

<u>Bank Account</u>	<u>Balance on 12/28/2011</u>
B/A 1	<\$ -1,074.30>
B/A 2	\$14.96
B/A 3	\$275.65
B/A 4	\$1,011.28

10 15. As of January 1, 2012, SHURTZ and GODFREY, began doing business as
11 CAMBRIA SEASIDE GETAWAYS. On January 4, 2012, SHURTZ and GODFREY filed, or
12 caused to be filed, a registration for a certificate to collect Transient Occupancy Tax. SHURTZ
13 and GODFREY are listed as the owners of CAMBRIA SEASIDE GETAWAYS. On or about
14 January 1, 2012, a letter was mailed to all clients of DON BRICKER PROPERTIES and DON
15 BRICKER PROPERTY MANAGEMENT informing them that Bricker had sold his Coldwell
16 Banker Real Estate franchise. Clients also received a letter from SHURTZ and GODFREY, for
17 CAMBRIA SEASIDE GETAWAYS, informing them that Bricker retired as of January 1, 2012,
18 and SHURTZ was taking over his business. The letter stated that they would create an LLC and
19 will be co-owners of the business with the new official name, CAMBRIA SEASIDE
20 GETAWAYS. They claimed to be in the process of changing banks from RaboBank to Bank of
21 America. The letter further stated that they had a broker [Silvers] in town that would be a "Silent
22 Broker of Record."

24 16. As of January 1, 2012, SHURTZ and GODFREY, while doing business as
25 CAMBRIA SEASIDE GETAWAYS, solicited and offered to engage in property management
26

1 activities for others on short-term and long-term rentals including, but not limited to, Anthony T.
2 and Jennifer B., Bob and Margaret H., James G. and Jan C., Olivia S., Marianne L., Susan and
3 Larry F., Susan B. and Patrick C., Bob and Charthel E., and Gregory H.

4 17. SHURTZ, GODFREY, and Silvers made misrepresentations to property
5 owners and to a Senior Deputy from the San Luis Obispo County Sheriff's Office that Silvers
6 was the silent broker of record, in charge of supervising SHURTZ' and GODFREY'S property
7 management activities.

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9 18. On or about June 15, 2012, CAMBRIA SEASIDE GETAWAYS entered into
10 a rental agreement with Claudia C. and Homero C. for property located at 2300 McCabe #B,
11 Cambria, California. Said property was owned by Susan and Larry F. Silvers purportedly
12 signed, and is listed as the agent for broker, CAMBRIA SEASIDE GETAWAYS, on the rental
13 agreement. Silvers' broker license ID number is listed as the license number for CAMBRIA
14 SEASIDE GETAWAYS. CAMBRIA SEASIDE GETAWAYS later claimed that Silvers was
15 merely a consultant after property owners began demanding unpaid rent monies.

16 19. CAMBRIA SEASIDE GETAWAYS failed to forward rent monies owed to
17 several property owners including, but not limited to the following persons. Anthony T.,
18 Jennifer B., and Bob and Margaret H. were forced to hire an attorney to seek payment from
19 SHURTZ for non-payment of rents due to the property owners. CAMBRIA SEASIDE
20 GETAWAYS and its owners embezzled approximately \$17,550.00 in rent monies from James
21 G. and Jan C. Susan and Larry F. are owed approximately \$6,875 from CAMBRIA SEASIDE
22 GETAWAYS. Susan B. and Patrick C. are owed approximately \$5,040 from CAMBRIA
23 SEASIDE GETAWAYS.

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1 CONCLUSIONS OF LAW


2 Based on the information contained in Paragraphs 1 through 19, above,
3 CAMBRIA SEASIDE GETAWAYS, BEATRICE RUTH SHURTZ aka Beatrice R. Shurtz and
4 Ruth Shurtz, and LESLIANN MARIE GODFREY aka Lesliann Godfrey and Leslie Godfrey,
5 DON BRICKER PROPERTIES, and DON BRICKER PROPERTY MANAGEMENT violated
6 Code Section 10130 by engaging in activities requiring a real estate license pursuant to Code
7 section 10131(b), without first obtaining a broker license from the Bureau.
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9 DESIST AND REFRAIN ORDER

10 Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW stated
11 herein, IT IS HEREBY ORDERED THAT CAMBRIA SEASIDE GETAWAYS, BEATRICE
12 RUTH SHURTZ aka Beatrice R. Shurtz and Ruth Shurtz, and LESLIANN MARIE GODFREY
13 aka Lesliann Godfrey and Leslie Godfrey, DON BRICKER PROPERTIES, and DON BRICKER
14 PROPERTY MANAGEMENT, whether doing business under their names or any other fictitious
15 business name, immediately desist and refrain from performing any acts within the State of
16 California for which a real estate broker license is required, unless they are so licensed.
17

18 DATED: June 10, 2014.

19 REAL ESTATE COMMISSIONER

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22 By: JEFFREY MASON
23 Chief Deputy Commissioner

24 **Notice:** Business and Professions Code Section 10139 provides that “[A]ny person acting as a
25 real estate broker or real estate salesperson without a license or who advertises using words
26 indicating that he or she is a real estate broker without being so licensed shall be guilty of a
public offense punishable by a fine not exceeding twenty thousand dollars (\$20,000), or by

1 imprisonment in the county jail for a term not to exceed six months, or by both fine and
2 imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars
3 (\$60,000).”

4 cc: Cambria Seaside Getaways, Beatrice Ruth Shurtz, Lesliann Marie Godfrey, Don Bricker
5 Properties, and Don Bricker Property Management
6 702 Main St.
7 Cambria, CA 93428
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