1	Bureau of Real Estate			
2	320 West 4th Street, Suite 350 Los Angeles, California 90013-1105			
3	Telephone: (213) 576-6982			
4	JUL 29 2014			
5	BUREAU OF REAL ESTATE By Aremore			
6	- Junemon			
7				
8	BEFORE THE BUREAU OF REAL ESTATE			
9	STATE OF CALIFORNIA			
10	* * * *			
11	To: No. H-2903 FR			
12	JACOBO REALTORS and) ORDER TO DESIST LUIS ERNESTO JACOBO.) AND REFRAIN			
13) (B&P Code Section 10086)			
14				
15	The Commissioner ("Commissioner") of the California Bureau of Real Estate			
16	("Bureau") caused an investigation to be made of the activities of JACOBO REALTORS and LUI			
17	ERNESTO JACOBO (collectively "Respondents"). Based on the investigation, the Commissioner			
18	has determined that Respondents have engaged in, are engaging in, or are attempting to engage in,			
19	acts or practices constituting violations of the California Business and Professions Code (Code)			
20	and/or Title 10, Chapter 6, California Code of Regulations (Regulations). The Commissioner has			
21	determined that JACOBO REALTORS has engaged in or is engaging in acts or attempting to			
22	engage in the business of, acting in the capacity of, and/or advertising or assuming to act as a real			
23	estate broker in the State of California within the meaning of Business and Professions Code			
24	("Code") Section 10131(a) (sell or offer to sell, buy or offer to buy, solicit prospective sellers or			

purchasers of, solicit or obtain listings of, or negotiate the purchase, sale or exchange of real property) and LUIS ERNESTO JACOBO, while doing business as JACOBO REALTORS, violated Section 10159.5 of the Code and Regulation 2731 (unlicensed use of a fictitious name).

Based on the findings of that investigation, set forth below, the Commissioner hereby issues the following Findings of Fact, Conclusions of Law, and Desist and Refrain Order under the authority of Section 10086 of the Code.

FINDINGS OF FACT

- 1. At no time mentioned herein has JACOBO REALTORS ever been licensed in any capacity by the Bureau.
- From February 21, 2008, through the present, LUIS ERNESTO JACOBO ("JACOBO") has been licensed by the Bureau as a real estate broker, License ID 01392011.
- 3. At all times relevant herein, JACOBO was not licensed to do business under the fictitious business name "JACOBO REALTORS."
- 4. On December 28, 2012, JACOBO, while doing business as JACOBO REALTORS, collected an earnest money deposit ("EMD") in the form of a personal check for \$5,500 made payable to JACOBO REALTORS from prospective purchasers G. and Y. Artiga. The EMD was intended for the purchase of real property located at 7114 Hayden Hill, Bakersfield, California ("Hayden Hill property"). On January 11, 2013, JACOBO collected a second EMD in the form of a cashier's check for \$8,250 made payable to JACOBO REALTORS from prospective purchasers G. and Y. Artiga. On May 10, 2013, JACOBO collected another EMD in the form of a cashier's check for \$41,850 made payable to JACOBO REALTORS from prospective purchasers G. and Y. Artiga. JACOBO cashed the EMD checks or deposited the EMDs into JACOBO's Bank of America Business Checking Account for JACOBO dba JACOBO REALTORS (Account No.

XXXXX-X2456.) JACOBO commingled the prospective purchasers' trust funds with his own funds.

- 5. The Artigas never received proof that their residential purchase agreement had been submitted by JACOBO to the sellers or that the sellers ever accepted it. Upon discovering that their offer to purchase the Hayden Hill property had not been accepted, the Artigas demanded their EMDs from JACOBO. On or about June 26, 2013, JACOBO issued two payments to the Artigas for \$38,500 and \$16,500, respectively. The \$16,500 payment was made in the form of a check from JACOBO's Bank Account No. XXXXXX-X2456. The check was returned for non-sufficient funds. JACOBO failed to return the \$16,500 owed to the Artigas.
- 6. On June 08, 2013, JACOBO, while doing business as JACOBO REALTORS, collected an EMD in the form of a cashier's check no. 631001596 for \$5,000 made payable to JACOBO REALTORS from prospective purchaser O. Smith. The EMD was intended for the purchase of real property located at 7603 Stargaze, Bakersfield, California. On June 8, 2013, JACOBO collected a second EMD in the form of a cashier's check no. 631001595 for \$5,000 made payable to JACOBO REALTORS from prospective purchaser O. Smith. The EMD was intended for the purchase of real property located at 203 Radiccio, Bakersfield, California. On June 18, 2013, JACOBO collected another EMD in the form of a cashier's check no. 643001930 for \$55,000 made payable to JACOBO REALTORS from prospective purchaser O. Smith. The EMD was intended for the purchase of real properties located at 5321 Planz Rd. and 4725 Planz Rd., Bakersfield, California.
- 7. JACOBO cashed the EMD checks or deposited the EMDs into JACOBO's Bank of America Business Checking Account for Respondent dba JACOBO REALTORS (Account No. XXXXX-X2456.) JACOBO commingled the prospective purchaser's trust funds with his own funds.

8. On or around June 24, 2013, the Artigas contacted O. Smith and alerted her that their EMDs had been misappropriated by JACOBO. Thereafter, O. Smith demanded her EMDs from JACOBO. O. Smith subsequently learned from the title company who handled the transactions that the properties had been sold to other buyers. JACOBO failed to return \$65,000 owed to O. Smith.

CONCLUSIONS OF LAW

Based on the information contained in Paragraphs 1 through 8, above, JACOBO REALTORS violated Code Section 10130 by engaging in activities requiring a real estate license without first obtaining a broker license from the Bureau. Moreover, LUIS ERNEST JACOBO violated Section 10159.5 of the Code and Regulation 2731 by failing to obtain a license to do business as JACOBO REALTORS for activities that require a real estate license.

DESIST AND REFRAIN ORDER

Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW stated herein, IT IS HEREBY ORDERED THAT JACOBO REALTORS and LUIS ERNESTO JACOBO, whether doing business in their own name or any other fictitious business name, immediately desist and refrain from performing any and all acts within the State of California for which a real estate broker license is required, unless and until such time as you are in compliance with Regulation 2731 and Sections 10159.5 and 10130 of the Code.

DATED: _	<u> Jul</u> -	10	, 2014.

REAL ESTATE COMMISSIONER

By: JEFFREY MASON Chief Deputy Commissioner

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Notice: Business and Professions Code Section 10139 provides that "Any person acting as a real estate broker or real estate salesperson without a license or who advertises using words 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 imprisonment in the county jail for a term not to exceed six months, or by both fine and imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars (\$60,000)." Jacobo Realtors and Luis Ernesto Jacobo 1101 South H St. Bakersfield, CA 93304 ORDER TO DESIST AND REFRAIN TO

JACOBO REALTORS and LUIS ERNESTO JACOBO-PAGE 5 -