BUREAU OF REAL ESTATE 1651 Exposition Boulevard 2 P. O. Box 137007 Sacramento, CA 95813-7007 3 4 Telephone: (916) 263-8670 5 6 7 STATE OF CALIFORNIA BUREAU OF REAL ESTATE 10 11 NO. H-2931 FR To: 12 MICHAEL ROBERT RUSSELL ORDER TO DESIST AND REFRAIN 13 (B&P Code Section 10086) 14 15 The Real Estate Commissioner (Commissioner) of the California Bureau of Real 16 Estate (Bureau) has caused an investigation to be made of the activities of MICHAEL ROBERT 17 RUSSELL (RUSSELL). Based on that investigation, the Commissioner has determined that 18 RUSSELL has engaged in, is engaging in or is attempting to engage in, acts or practices 19 constituting violations of the California Business and Professions Code (Code) including acting 20 in the capacity of acting as a real estate broker in the State of California within the meaning of 21 Section 10131(a) (business opportunities sales) of the Code. Furthermore, based on the 22 investigation, the Commissioner hereby issues the following Findings of Fact and Desist and 23 Refrain Order under the authority of Code Section 10086. 24 FINDINGS OF FACT 25 1. RUSSELL has been licensed as a restricted real estate salesperson by the 26 Bureau beginning about June 5, 2007. 27

ORDER TO DESIST AND REFRAIN

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MICHAEL ROBERT RUSSELL

- 2. On about May 14, 2013, RUSSELL's salesperson license was and is currently suspended indefinitely due to violations of Sections 10085, 10085.6, 10176(e) and 10177(d) of the Code and Sections 2970 and 2835 of Chapter 5, Title 10, of the California Code of Regulations.
 - 3. RUSSELL has not been under an employing broker since May 13, 2013.
- 4. During the period of time set out below, RUSSELL, negotiated to sell or offered to sell, bought or offered to buy, solicited prospective sellers or purchasers of, solicited or obtained listings of, or negotiated the purchase, sale or exchange of real property or business opportunities.
- 5. Between about September 23, 2014, and about November 13, 2014, RUSSELL solicited prospective sellers or purchasers or solicited to obtain listings of the sale or exchange of the following three (3) business opportunities via the internet at http://www.bizben.com:
 - a) European Café Central Coast;
 - b) Leading Apparel And Footwear Retailer Santa Cruz; and
 - c) Well Established Candy Store Monterey Peninsula.

CONCLUSIONS OF LAW

6. Based on the Findings of Fact contained in Paragraphs 1 through 5, RUSSELL solicited for sale or purchase about three (3) business opportunities, an activity which requires a real estate license under Sections 10130 and 10131(a) of the Code, during a period of time when RUSSELL's license was suspended by the Bureau and while not under an employing broker.

DESIST AND REFRAIN ORDER

Based upon the Findings of Fact and Conclusions of Law stated herein,
MICHAEL ROBERT RUSSELL IS 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, immediately Desist and Refrain from soliciting for the sale or purchase of business opportunities for others for compensation or in the expectation of compensation unless or until his current license suspension is stayed by the Bureau and upon obtaining an employing broker.

DATED: JAN 09 2015

REAL ESTATE COMMISSIONER

By: JEFFREY MASON
Chief Deputy Commissioner

- 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) . . ."

ORDER TO DESIST AND REFRAIN