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Bureau of Real Estate
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FILED

NOV 14 2016

BUREAU OF REAL ESTATE

By: *[Signature]*

BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

To:)	No. H-03064 FR
)	
MILTON LANCE HUDSON)	<u>ORDER TO DESIST</u>
)	<u>AND REFRAIN</u>
)	
)	(B&P Code section 10086)
)	

The Commissioner ("Commissioner") of the California Bureau of Real Estate caused an investigation to be made of the activities of MILTON LANCE HUDSON ("HUDSON") DBA All Seasons Realty and All Seasons Property Management. Based on that investigation, the Commissioner has determined that HUDSON has engaged in or is engaging in acts or is attempting to engage in the business of, acting in the capacity of, and/or advertising or assuming to act as a real estate broker in the State of California within the meaning of California Business and Professions Code section 10131(b) (leasing or renting or offering to lease or rent, placing for rent, soliciting listings of places for rent, soliciting for prospective tenants, and/or collecting rents from real property) without being licensed as a real estate broker. 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 California Business and Professions Code section 10086.

1 FINDINGS OF FACT

2 1. From August 1991 to December 18, 2013, HUDSON was a real estate
3 broker (license no. 01116933).

4 2. On or about November 20, 2012, an Accusation, in case no. H-02790
5 FR, was filed against HUDSON seeking to discipline his real estate broker license.

6 3. On or about April 2, 2013, a First Amended Accusation, in case no. H-
7 02790 FR, was filed against HUDSON seeking to discipline his real estate broker license.

8 4. On or about June 17, 2013, a Second Amended Accusation, in case no.
9 H-02790 FR, was filed against HUDSON seeking to discipline his real estate broker license.
10 The Second Amended Accusation alleged HUDSON has numerous violations of the Real
11 Estate Law, including, but not limited to:

- 12 a. Having a trust fund shortage of \$19,180.16 without the written
13 consent of the principals;
14 b. Commingling trust funds with other monies;
15 c. Depositing trust funds in an account that was not designated as a trust
16 account;
17 d. Using the unlicensed fictitious business name "All Seasons Property
18 Management," and
19 e. Issuing checks with non-sufficient funds to three (3) separate
20 property owners in violation of property management agreements.

21 5. On or about November 14, 2013, HUDSON signed and filed a
22 Declaration voluntarily surrendering his real estate broker license in light of the Second
23 Amended Accusation, described above.

24 6. On or about November 25, 2013, the Commissioner issued an Order
25 Accepting Voluntary Surrender of Real Estate License, which became effective on December
26 18, 2013. As a result, from December 18, 2013 through the present, Respondent does not have
27 any license or license right with the Bureau of Real Estate.

1 7. Despite being no longer licensed by the Bureau of Real Estate as of
2 December 18, 2013, HUDSON continued doing acts that require a broker license in the
3 property management business (i.e., negotiating property management contracts and
4 demanding, collecting, and handling rents and security deposits for rental properties) even
5 though the work was purportedly transferred to his wife, Stacey Ann Havener ("Havener"), a
6 real estate broker since on or about February 9, 2005.

7 8. Highland Property:

- 8 a. On or about August 5, 2013, HUDSON DBA All Season's Realty
9 entered into a Property Management Agreement with Karrie and
10 Eugene D., owners of 2816 Highland Way, Lebec, CA 93243
11 ("Highland Property") for said property.
12 b. In or about February 2014, HUDSON issued an IRS form 1099-
13 MISC for the Highland Property that errantly included the rent
14 received in January 2014 for January 2014 as part of the Karrie and
15 Eugene D.'s rental income in 2013. The IRS form 1099-MISC stated
16 the rental income in 2013 was \$3,814.06 when in fact it was
17 \$2,869.06.
18 c. In or about March 2014, Karrie and Eugene D. fired HUDSON and
19 Havener as their property managers, but HUDSON and Havener
20 failed to return the tenants' security deposit and other fees, which
21 totaled \$3,304.44, to Karrie and Eugene D.

22 9. Pomona Trail Property:

- 23 a. In 2008, HUDSON DBA All Season's Realty acquired the Property
24 Management Agreement regarding 612 Pomona Trail, Frazier Park,
25 CA 93225 ("Pomona Trail Property").
26 b. In or about May 2014, which was when HUDSON was no longer
27 licensed as a real estate broker, HUDSON negotiated between the

1 owners and then-tenants of the Pomona Trail Property regarding how
2 much of the security deposit should be refunded back to the then-
3 tenants. HUDSON also handled the security deposit funds.

4 10. Lion Property:

- 5 a. On or about October 9, 2013, HUDSON DBA All Seasons Realty
6 entered into a rental agreement with David and Jackie I. for 1013
7 Lion Court, Frazier Park, CA 93225 ("Lion Property"). Pursuant to
8 this rental agreement, David and Jackie I. paid \$1,500 and were to
9 pay \$375 more for a total of \$1,875 for the security deposit, which
10 was to be held in a trust account.
- 11 b. On or about July 15, 2014, Havener DBA All Seasons Property
12 Management issued check #1602 in the amount of \$1,875 to David
13 and Jackie I. to refund their security deposit. The check was from a
14 bank account that was not designated a trust account. Soon after, this
15 check bounced due to insufficient funds.
- 16 c. On or about July 17, 2014, HUDSON requested David and Jackie I.
17 to wait to deposit check #1602 because he had to transfer funds to
18 that account.
- 19 d. On or soon after July 22, 2014, David and Jackie I. re-deposited
20 check #1602 in reliance of HUDSON's assurance that there were
21 now sufficient funds, but check #1602 bounced a second time due to
22 insufficient funds.
- 23 e. In late July 22, 2014, David and Jackie I. requested HUDSON and
24 Havener return their deposit in cash. HUDSON met David and
25 Jackie I., and gave them \$1,675 in cash, which was \$200 less than
26 security deposit and did not include bank fees for bounced checks,
27 which HUDSON stated he would pay.

1 11. Lockwood Valley Property

- 2 a. On or about April 27, 2015, Havener DBA All Seasons Property
3 Management entered into a Holding Deposit Agreement and Receipt
4 with Romuls G. and Terre A. for 17478 Lockwood Valley Road,
5 Frazier Park, CA 93225 ("Lockwood Valley Property").
- 6 b. On or about April 30, 2015, HUDSON and Havener facilitated the
7 rental agreement between Henrick T., the owner of the Lockwood
8 Valley Property, and Romuls G. and Terre A. for said property.
- 9 c. From on or about May 1, 2015 and onward, Havener informed
10 Romuls G. and/or Terre A. that HUDSON was in charge of all of the
11 rental properties, and told them to direct all of their concerns and
12 inquiries to Hudson. As a result, HUDSON dealt with Romuls G.
13 and/or Terre A. directly in the demanding, negotiating, and collecting
14 of rent and security deposits, handling their complaint that Henrick T.
15 broke the rental agreement by entering the property and taking their
16 belongings, and filing unlawful detainers against them on behalf of
17 Henrick T.

18
19 CONCLUSIONS OF LAW

20 Based on the information contained in Paragraphs 1 through 11, above,
21 Respondent MILTON LANCE HUDSON DBA All Seasons Realty DBA All Seasons Property
22 Management violated California Business and Professions Code section 10130 by engaging in
23 activities requiring a broker license pursuant to California Business and Professions Code
24 section 10131(a) without being licensed by the Bureau of Real Estate as a real estate broker.

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IT IS FURTHER ORDERED THAT Respondent MILTON LANCE HUDSON immediately desist and refrain from:

DATED: November 5, 2016.

[Handwritten signature]

cc: MILTON LANCE HUDSON
16311 Askin Drive, Pine Mountain Club, CA 93222
16225 Askin Drive, Pine Mountain Club, CA 93222