

FILED

OCT 25 2017

1 BUREAU OF REAL ESTATE
2 P. O. Box 137007
3 Sacramento, CA 95813-7007
4 Telephone: (916) 263-8672

BUREAU OF REAL ESTATE

By H. Diaz

8 STATE OF CALIFORNIA
9 BUREAU OF REAL ESTATE

10 ***

11 To:
12 CAROLYN MUTERSPAW, VIRGINIA
13 MARS AU, DAWN GEE, HIGH SIERRA
14 RENTAL SERVICES, HIGH SIERRA LEGAL
SERVICES, and HIGH SIERRA SERVICES,

No. H-3145 FR

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

15
16 The Commissioner (Commissioner) of the California Bureau of Real Estate
17 (Bureau) caused an investigation to be made of the activities of CAROLYN MUTERSPAW
18 (MUTERSPAW), VIRGINIA MARS AU (MARS AU), DAWN GEE (GEE), HIGH SIERRA
19 RENTAL SERVICES, HIGH SIERRA LEGAL SERVICES, and HIGH SIERRA SERVICES.
20 Based on that investigation, the Commissioner has determined that MUTERSPAW, MARS AU,
21 GEE, HIGH SIERRA RENTAL SERVICES, HIGH SIERRA LEGAL SERVICES, and HIGH
22 SIERRA SERVICES have engaged in, is engaging in, or is attempting to engage in, acts or
23 practices constituting violations of the California Business and Professions Code (Code),
24 including the business of, acting in the capacity of, and/or advertising or assuming to act as, a
25 real estate broker in the State of California within the meaning of Section 10131(b) (property
26 management services). Furthermore, based on the investigation, the Commissioner hereby
27

1 issues the following Findings of Fact, Conclusions of Law, and Desist and Refrain Order under
2 the authority of Section 10086 of the Code.

3 FINDINGS OF FACT

4 1. At no time mentioned, was MUTERSPAW, MARSAU, GEE, HIGH
5 SIERRA RENTAL SERVICES, HIGH SIERRA LEGAL SERVICES, and HIGH SIERRA
6 SERVICES licensed by the Bureau in any capacity.

7 2. HIGH SIERRA RENTAL SERVICES, HIGH SIERRA LEGAL
8 SERVICES, and HIGH SIERRA SERVICES (collectively referred to as "HIGH SIERRA") are
9 fictitious business names registered to MUTERSPAW.

10 3. During the period of time set forth below, MUTERSPAW, MARSAU, GEE,
11 and/or HIGH SIERRA on behalf of others, for compensation or in expectation of compensation,
12 leased or rented and offered to lease or rent, and solicited for prospective tenants of real property
13 or improvements thereon, and/or collected rents from real property or improvements thereon.

14 4. Within the last three years, MUTERSPAW, MARSAU, and/or GEE, acting
15 on behalf of HIGH SIERRA, in the course of the property management brokerage activities
16 described above, solicited prospective tenants for, negotiated rental agreements for, and/or
17 collected rents from real properties owned by another or others, including, but not limited to the
18 rental properties located at: 1687 Winston Circle, Oakdale; 1652 Winston Circle, Oakdale; 849
19 River Bluff Drive, Oakdale, 346 North 2nd Avenue, Oakdale; 3220 Hummingbird Lane,
20 Modesto; 3401 9th Street, Ceres; and 982 Marques Court, Oakdale.

21 5. On or about January 12, 2017, and continuing intermittently through
22 April 28, 2017, an audit was conducted of the records of MUTERSPAW. The auditor examined
23 the records for the period of January 1, 2014, through December 31, 2016. According to
24 documents examined during the audit period, MUTERSPAW was involved in property
25 management activities in which approximately 58 properties with 81 units and 32 owners were
26 managed under the fictitious business names HIGH SIERRA. According to MUTERSPAW and
27 GEE, HIGH SIERRA services consisted of collecting rents from real property; soliciting for

1
2
3 DESIST AND REFRAIN ORDER

4 Based on the Findings of Fact and Conclusions of Law stated herein,
5 MUTERSPAW, MARSAU, GEE, and HIGH SIERRA, whether doing business under your own
6 name, or any other names or fictitious names, ARE HEREBY ORDERED to immediately desist
7 and refrain from performing any acts within the State of California for which a real estate broker
8 license is required. In particular, MUTERSPAW, MARSAU, GEE, and HIGH SIERRA is
9 ordered to desist and refrain from soliciting or providing or participating in property management
10 services for others and for compensation, unless and until you obtain a real estate broker license
11 issued by the Bureau.

12 DATED: 10/24/17

13 WAYNE S. BELL
14 REAL ESTATE COMMISSIONER

15 BY: *Daniel J. Sandri*
16 DANIEL J. SANDRI
17 Chief Deputy Commissioner

18 **Notice:** Business and Professions Code Section 10139 provides that "Any person acting as
19 a real estate broker or real estate salesperson without a license or who advertises using words
20 indicating that he or she is a real estate broker without being so licensed shall be guilty of a
21 public offense punishable by a fine not exceeding twenty thousand dollars (\$20,000), or by
22 imprisonment in the county jail for a term not to exceed six months, or by both fine and
23 imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars
24 (\$60,000)."
25
26
27