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FILED
 SEP - 7 2005
 DEPARTMENT OF REAL ESTATE
 By K. Contreras

BEFORE THE
 DEPARTMENT OF REAL ESTATE
 STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) WALLACE PATTEE WATKINS,) Respondent.))))))	NO. H-3215 SD
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ORDER ACCEPTING VOLUNTARY SURRENDER

On June 14, 2005, an Accusation was filed in this matter against Respondent WALLACE PATTEE WATKINS.

By Declaration signed July 28, 2005, Respondent WALLACE PATTEE WATKINS petitioned the Real Estate Commissioner to voluntarily surrender his real estate license(s) pursuant to Section 10100.2 of the Business and Professions Code.

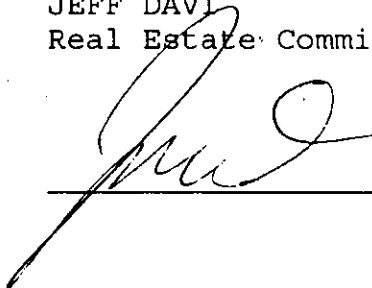
IT IS HEREBY ORDERED that the petition of Respondent WALLACE PATTEE WATKINS for the voluntary surrender of his real estate license(s) is accepted as of the effective date of this Order as set forth below, based upon the understanding and agreement expressed in the Declaration of Respondent

1 WALLACE PATTEE WATKINS dated July 28, 2005 (attached hereto as
2 Exhibit "A").

3 This Order shall become effective at 12 o'clock noon
4 on September 27, 2005.

5 DATED: 8-30, 2005.
6

7 JEFF DAVI
8 Real Estate Commissioner

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BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

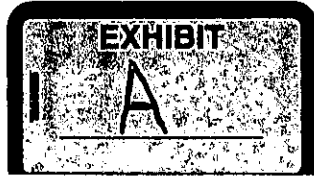
In the Matter of the Accusation of)
WALLACE PATTEE WATKINS,) NO. H-3215 SD
Respondent.)

DECLARATION

My name is WALLACE PATTEE WATKINS and I am currently licensed as a real estate broker, and/or have license rights with respect to said license. I am the Respondent in the above matter. I am representing myself in this matter.

In lieu of proceeding in this matter in accordance with the provisions of the Administrative Procedure Act (Sections 11400 et seq., of the Business and Professions Code), I wish to voluntarily surrender my real estate broker license(s) issued by the Department of Real Estate ("Department"), pursuant to Business and Professions Code Section 10100.2.

///



1 I understand that, by so voluntarily surrendering my
2 license(s), I can only have my license reinstated in accordance
3 with the provisions of Section 11522 of the Government Code and
4 this Declaration.

5 The filing of this Declaration shall be deemed as my
6 petition for voluntary surrender. It shall also be deemed to be
7 an understanding and agreement by me that I waive all rights I
8 have to require the Commissioner to prove the allegations
9 contained in the Accusation filed in this matter at a hearing
10 held in accordance with the provisions of the Administrative
11 Procedures Act (Government Code Sections 11400 et seq.), and
12 that I also waive other rights afforded to me in connection
13 with the hearing such as the right to discovery, the right to
14 present evidence in defense of the allegations in the Accusation,
15 and the right to cross examine witnesses. I further agree that
16 upon acceptance by the Commissioner, as evidenced by an
17 appropriate order, all affidavits and all relevant evidence
18 obtained by the Department in this matter prior to the
19 Commissioner's acceptance, and all allegations contained in the
20 Accusation filed in the Department Case No. H-3215 SD may be
21 considered by the Department to be true and correct for the
22 purpose of deciding whether or not to grant reinstatement of my
23 license pursuant to Government Code Section 11522. In the
24 interests of expedience and economy, I choose not to contest the
25 evidence and allegations, but to remain silent, and my petition
26 for voluntary surrender shall not be construed to be an admission
27 for any purpose.

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I declare under penalty of perjury under the laws of the State of California that the above is true and correct and that I am acting freely and voluntarily to surrender my real estate license(s) and all license rights attached thereto.

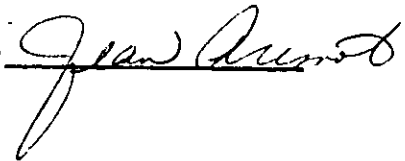
July 28 2005 Wallace Pattee Watkins
DATED WALLACE PATTEE WATKINS
Respondent

1 DEIDRE L. JOHNSON, Counsel
SBN 66322
2 Department of Real Estate
P. O. Box 187007
3 Sacramento, CA 95818-7007
4 Telephone: (916) 227-0789

FILED

JUN 14 2005

DEPARTMENT OF REAL ESTATE

By 

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 WALLACE PATTEE WATKINS,) NO. H-3215 SD
13 Respondent.) ACCUSATION
14)

15 The Complainant, J. CHRIS GRAVES, a Deputy Real Estate
16 Commissioner of the State of California, for causes of Accusation
17 against WALLACE PATTEE WATKINS, is informed and alleges as follows:

18 PRELIMINARY ALLEGATIONS

19 I

20 Respondent WALLACE PATTEE WATKINS (hereafter Respondent)
21 is presently licensed and/or has license rights under the Real
22 Estate Law, Part 1 of Division 4 of the California Business and
23 Professions Code (hereafter the Code).

24 II

25 The Complainant, J. CHRIS GRAVES, a Deputy Real Estate
26 Commissioner of the State of California, makes this Accusation
27 against Respondent in his official capacity and not otherwise.

1 III

2 At all times herein mentioned, Respondent was and is
3 licensed by the Department as a real estate broker, with a main
4 office address of record with the Department at 4528 Cordoba Way,
5 Oceanside, California.

6 IV

7 On or about January 30, 2004, Respondent obtained a
8 branch office license from the Department to do business at
9 8199 Clairemont Mesa Blvd., Suite O, San Diego, California. At
10 no time prior to on or about June 2, 2004, was Respondent
11 licensed to do business under any fictitious business name.

12 V

13 At no time herein mentioned was SOUTHERN CALIFORNIA
14 RENTAL PROPERTIES, INC., SOCAL RENTALS, SO CAL RENTALS, RAY
15 RUBALCAVA, and/or JACK TAYLOR licensed by the Department as a
16 real estate broker, individually or doing business under any
17 fictitious business name, or as a real estate salesperson. At no
18 time herein mentioned were they licensed by the Department to
19 engage in the business of a prepaid rental listing service (PRLS)
20 operator.

21 VI

22 In or about January of 2004, RAY RUBALCAVA (RUBALCAVA),
23 and JACK TAYLOR (TAYLOR), were and are owners, officers,
24 directors, and/or shareholders of SOUTHERN CALIFORNIA RENTAL
25 PROPERTIES, INC., and entered into a business arrangement with
26 Respondent WATKINS, to conduct business as a prepaid rental
27 listing service company at 8199 Clairemont Mesa Blvd., Suite O,

1 San Diego California. At no time herein mentioned was RUBALCAVA
2 or TAYLOR licensed by the Department as either a real estate
3 licensee, or as a prepaid rental listing service provider.

4 VII

5 On or about June 2, 2004, Respondent obtained a license
6 from the Department to do business under the fictitious business
7 name of SOUTHERN CALIFORNIA RENTAL PROPERTIES. At no time herein
8 mentioned was Respondent licensed by the Department as the
9 designated broker officer of a corporation entitled SOUTHERN
10 CALIFORNIA RENTAL PROPERTIES, INC., or licensed to do business
11 under a fictitious business name of SO CAL RENTALS or SOCIAL RENTALS.

12 VIII

13 Unless otherwise specified, whenever reference is made
14 herein to an act or omission of "Respondent", such reference
15 shall be deemed to mean that Respondent WATKINS, individually and
16 doing business as SOUTHERN CALIFORNIA RENTAL PROPERTIES, SOUTHERN
17 CALIFORNIA RENTAL PROPERTIES, INC., SOCIAL RENTALS, SO CAL RENTALS,
18 RUBALCAVA, TAYLOR, employees, and/or agents employed by or
19 associated with Respondent, committed such act or omission while
20 engaged in the furtherance of Respondent's business operation,
21 and while acting within the course and scope of their authority,
22 agency, and/or employment.

23 FIRST CAUSE OF ACTION
(Unlicensed Business)

24 IX

25 During a period of time from about January, 2004,
26 Respondent engaged in the business and acted in the capacity of a
27 real estate broker or prepaid rental listing service operator in

1 the name of SOUTHERN CALIFORNIA RENTAL PROPERTIES, INC., SO CAL
2 RENTALS, SOCAL RENTALS, and/or SOUTHERN CALIFORNIA RENTAL
3 PROPERTIES in California within the meaning of Section 10167 of
4 the Code, for advance compensation, wherein prospective tenants
5 were solicited to enter into a contract and purchase PRLS
6 services for a flat fee of approximately \$75 to \$95 for a 90-day
7 contract period, and wherein such services were offered and sold,
8 including but not limited to the following:

CONTRACT DATE	PRLS ADVANCE FEE	CLIENT/TENANT
April 18, 2004	\$95	Joseph-Tammy Rudolf
June 2, 2004	\$95	Brian-Leslie Vian
January 5, 2005	\$75	Wendy McNair
January 20, 2005	\$75	Gregory Duncan

17 X

18 During a period of time from about January of 2004,
19 Respondent solicited the public with respect to the above
20 business by methods including advertisements, including but not
21 limited to ads:

22 (1) On the Internet, with domain name addresses of
23 www.SOUTHERNCALIFORNIARENTALPROPERTIES.COM, and/or
24 www.SOCALRENTALS.NET., and

25 (2) In the San Diego Union-Tribune, a newspaper of
26 general circulation, and on its classified web site on
27 the Internet at <http://classsifieds.signonsandiego.com>.

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XI

As to the above alleged conduct from about January of 2004 to on or about June 2, 2004, Respondent violated Section 10159.5 of the Code and Section 2731 of Title 10, California Code of Regulations (Regulations), in that Respondent's acts and/or omissions, as found above, constitute the conduct of a PRLS business in the name of SOUTHERN CALIFORNIA RENTAL PROPERTIES, without a duly issued fictitious business name license from the Department.

XII

As to Respondent's above alleged conduct from about January of 2004, to the present, Respondent has violated Section 10159.5 of the Code and Section 2731 of the Regulations, in that Respondent's acts and/or omissions, as found above, constitute the conduct of a PRLS business in the name of SOCAL RENTALS and/or SO CAL RENTALS without a duly issued fictitious business name license from the Department.

SECOND CAUSE OF ACTION
(PRLS Violations)

XIII

On or about June 3, 2004, the Department approved a specific written prepaid rental listing service contract form for Respondent, doing business as SOUTHERN CALIFORNIA RENTAL PROPERTIES, pursuant to Sections 10167.9 and 10167.10 of the Code, and subject to specified conditions set forth in an accompanying Department letter and Addendum of June 3, 2004, including but not limited to the following:

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- (a) That all applicable licensing requirements would be met by Respondent before the approved contract would be negotiated with the public;
- (b) That Respondent's use of the contract would be in accordance with all applicable provisions of the Real Estate Law;
- (c) That no refund request form would be used by Respondent which contains requirements or representations contrary to applicable provisions of the Real Estate Law; and
- (d) That there were no other hard-copy or Internet versions or variations of any PRLS contracts for the company to do business with the public that were not disclosed to the Department.

XIV

The approved contract form described above contains the statutory advisement of refund rights required by Section 10167.10 of the Code, including but not limited to the following:

- (a) The client's right to a refund of the full amount of the fee paid by the client within five days after payment of the fee if Respondent has not supplied to the client at least three available rental properties meeting the client's specifications; and
- (b) The client's right to a refund of the net amount of the fee paid by the client in excess of a \$50.00 service charge within ten days after

1 receipt by Respondent of the client's demand for
2 refund in specified circumstances.

3 XV

4 On or about April 18, 2004, Joseph and Tammy Rudolf
5 went to Respondent's branch office in San Diego and entered into
6 a written contract for PRLS services with Respondent, in
7 consideration of the sum of \$95 paid by them. In connection with
8 this transaction, Respondent used a written contract form that
9 was not approved by the Department, contained provisions contrary
10 to applicable provisions of the Real Estate Law, including unlawful
11 refund provisions, had not been submitted to the Department for
12 approval at any time prior to its use; and was not disclosed to
13 the Department.

14 XVI

15 Respondent failed to provide the Rudolfs with listings
16 of at least three available rental properties meeting the clients'
17 specifications within five days of the date of the contract; and
18 Respondent failed to provide the Rudolfs with a full refund that
19 is required under Section 10167.10(a) of the Code.

20 XVII

21 On or about June 2, 2004, Brian and Leslie Vian went to
22 Respondent's branch office in San Diego and entered into a written
23 contract for PRLS services with Respondent, in consideration of
24 the sum of \$95 paid by them. In connection with this transaction,
25 Respondent used a written contract form that was not approved
26 by the Department, contained provisions contrary to applicable
27 provisions of the Real Estate Law, including unlawful refund

1 provisions, had not been submitted to the Department for approval
2 at any time prior to its use; and was not disclosed to the
3 Department.

4 XVIII

5 Respondent failed to provide the Vians with listings of
6 at least three available rental properties meeting the clients'
7 specifications within five days of the date of the contract; and
8 Respondent failed to provide the Vians with a full refund that is
9 required under Section 10167.10(a) of the Code.

10 XIX

11 On or about January 5, 2005, Wendy McNair went to
12 Respondent's branch office in San Diego and entered into a
13 written contract for PRLS services with Respondent, in
14 consideration of the sum of \$75 paid by them. In connection with
15 this transaction, Respondent failed to provide McNair with
16 listings of at least three available rental properties meeting
17 the client's specifications within five days of the date of the
18 contract; and Respondent failed to provide McNair with a full
19 refund that is required under Section 10167.10(a) of the Code.

20 XX

21 On or about January 20, 2005, Gregory Duncan went to
22 Respondent's branch office in San Diego and entered into a
23 written contract for PRLS services with Respondent, in
24 consideration of the sum of \$75 paid by him. In connection with
25 this transaction, Respondent failed to provide Duncan with
26 listings of at least three available rental properties meeting
27 the client's specifications within five days of the date of the

1 contract; and Respondent failed to provide Duncan with a full
2 refund that is required under Section 10167.10(a) of the Code.

3 XXI

4 Since about January 2004, Respondent has posted in
5 Respondent's PRLS listings, advertised to the public, and
6 supplied prospective tenants, for an advance fee, with listings
7 of residential property without the written or oral permission of
8 the property owner, property manager, or other authorized agent,
9 in violation of Section 10167.11(4) of the Code, including but
10 not limited to:

11 (a) Residential property located at 4817 Barstow
12 Street, San Diego, California; and

13 (b) Property owned by the State of California
14 Department of Transportation.

15 XXII

16 Since about January 2004, Respondent has posted in
17 Respondent's PRLS listings, advertised to the public, and
18 supplied prospective tenants, for an advance fee, with listings
19 of residential property that Respondent knew or should have known
20 were unavailable for rental, in violation of Section 10167.11(1)
21 of the Code, including but not limited to:

22 (a) Residential property located at 4817 Barstow
23 Street, San Diego, California.

24 XXIII

25 Since about January 2004, Respondent has posted in
26 Respondent's PRLS listings, advertised, and supplied prospective
27 tenants, for an advance fee, with listings of residential

1 property when Respondent failed to confirm the availability of
2 the property for tenancy during any four-day period immediately
3 preceding dissemination of the listing information, in violation
4 of Section 10167.11(3) of the Code, including but limited to:

5 (a) Residential property located at 4817 Barstow
6 Street, San Diego, California.

7 XXIV

8 Since about January 2004, Respondent has expressly or
9 impliedly made false, misleading, and/or deceptive advertisements
10 and/or representations to various prospective tenants concerning
11 the services Respondent would provide to them, including but not
12 limited to the failure to disclose: (1) that Respondent was not
13 properly licensed; (2) that Respondent's PRLS contract had not
14 been approved by the Department prior to June 3, 2004; (3) that
15 Respondent's contract contained unlawful refund language prior to
16 June 3, 2004; (4) that Respondent did not obtain written or oral
17 permission from property owners or managers to list many
18 properties; (5) that Respondent did not check availability of
19 properties within the requisite days of their dissemination to
20 prospective tenants; and/or (6) that Respondent did not make full
21 refunds of the PRLS advance fees charged even though the approved
22 contract after June 3, 2004, so provided.

23 XXV

24 Since about January 2004, Respondent has posted various
25 written PRLS contract forms on the Internet at www.socalrentals.net
26 and at www.southerncaliforniarentalproperties.com, that were not
27 disclosed to the Department, that were not approved by the

1 Department, and that did not contain information required under
2 the PRLS laws prior to acceptance of a fee, varying in particular
3 versions of the Internet contracts, including but not limited to:
4 (1) the name of the licensee and the address and telephone number
5 of the principal PRLS office; (2) acknowledgment of receipt of
6 the fee, including the amount; (3) a description of the service
7 to be performed by the licensee, including significant conditions,
8 restrictions, and limitations where applicable; (4) the contract
9 expiration date; and/or (5) the statutory full and partial right
10 to refund clauses.

11 XXVI

12 By reason of the acts and/or omissions alleged in
13 Paragraphs XIII through XXV above, Respondent has violated
14 Sections 10167.9(a), 10167.9(c), 10167.10(a), 10167.11(a),
15 and/or 10167.11(b) of the Code.

16 THIRD CAUSE OF ACTION
17 (Failure to Supervise)

18 XXVII

19 By reason of the acts and/or omissions alleged in the
20 Preliminary Findings, and in the First and Second Causes of Action
21 above, Respondent failed to conduct business as a prepaid rental
22 listing service operator at Respondent's licensed branch office
23 in San Diego under Respondent WATKIN's immediate supervision.

24 XXVIII

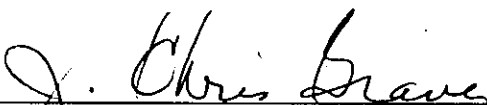
25 By reason of the acts and/or omissions alleged in the
26 Preliminary Findings, and in the First and Second Causes of Action
27 above, Respondent failed to conduct business as a prepaid rental
listing service operator at Respondent's licensed branch office

1 in San Diego under the supervision of a real estate salesperson
2 licensed to, and acting on Respondent's behalf as the broker.

3 XXIX

4 The acts and/or omissions alleged in Paragraphs XXVII
5 and XXVIII above, jointly and severally, violate Section 10167.3(b)
6 of the Code.

7 WHEREFORE, Complainant prays that a hearing be
8 conducted on the allegations of this Accusation and that upon
9 proof thereof a decision be rendered imposing disciplinary action
10 against all licenses and license rights of Respondent under the
11 Real Estate Law (Part 1 of Division 4 of the Business and
12 Professions Code), and for such other and further relief as may
13 be proper under other provisions of law.

14
15
16 
17 J. CHRIS GRAVES
Deputy Real Estate Commissioner

18 Dated at San Diego, California,
19 this 25th day of May, 2005.