

1 JASON D. LAZARK, Counsel (SBN 263714)
2 Department of Real Estate
3 P.O. BOX 137007
4 Sacramento, CA 95813-7007

4 Telephone: (916) 576-8700
5 (916) 263-3767 (Fax)
6 (916) 576-7843 (Direct)

FILED

JUN 19 2020

DEPARTMENT OF REAL ESTATE
By *L. Kropp*

8 **BEFORE THE DEPARTMENT OF REAL ESTATE**

9 **STATE OF CALIFORNIA**

10 * * *

11 To:) NO. H- 3314 FR
12 MARIA GARCIA)
13) ORDER TO DESIST AND REFRAIN
14) (B&P Code Section 10086)

15 The Real Estate Commissioner ("Commissioner") of the State of California has
16 caused an investigation to be made into the activities of MARIA GARCIA ("Respondent") that
17 fall within the meaning of Section 10131 (real estate broker defined) of the California Business
18 & Professions Code ("the Code"). Based upon the findings of that investigation, as set forth
19 below, the Commissioner has determined and is of the opinion that:

20 Respondent has violated Section 10130 (license required to act as a real estate
21 broker) of the Code by engaging in the business of or acting as a real estate salesperson or broker,
22 within the meaning of Section 10131(b) (engaging in property management activities) of the
23 Code, without first having obtained a real estate license from the California Department of Real
24 Estate ("Department").

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1 FINDINGS OF FACT

2 1. At no time within the last three years was Respondent licensed by the
3 Department in any capacity.

4 2. On or about August 17, 2018, Respondent solicited and negotiated with Ryan
5 H. to rent property located at 40811 Auberry Rd., Auberry, CA 93602 ("Subject Property"), for
6 or in expectation of compensation. Specifically, Respondent provided Ryan H. with a
7 Residential Lease/Rental Agreement, and explained the meaning and circumstance of the terms
8 of the agreement. Respondent also explained to Ryan H. the deposit and rent amount, as well as
9 when and where to make monthly rental payments.

10 3. Respondent specifically negotiated with Ryan H. regarding the price of rent.
11 Ryan H. asked Respondent if he could pay \$100 per month less than the stated rental due to
12 ongoing clean-up and maintenance at the Subject Property. Respondent rejected Ryan H.'s offer
13 to pay \$100 less per month.

14 4. Respondent also collected monthly rent checks from Ryan H. regarding the
15 Subject Property.

16 5. At all relevant times, Respondent had no ownership interest in the Subject
17 Property.

18 CONCLUSIONS OF LAW

19 6. Based on the findings of fact contained in paragraphs 1 through 5, above,
20 Respondent solicited and/or performed services for landlords, including but not limited to
21 soliciting for prospective tenants, negotiating leases, and collecting rents from real property or
22 improvements thereon on behalf of landlords, for or in expectation of compensation, in violation
23 of Sections 10130 and 10131(b) of the Code.

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DESIST AND REFRAIN ORDER

MARIA GARCIA, whether doing business under her own name, or any other names or fictitious names, IS HEREBY ORDERED to immediately desist and refrain from performing any and all acts within the State of California for which a real estate license is required, unless and until she obtains a real estate broker license issued by the Department.

DATED: MAY 07 2020

DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER

Douglas R. McCauley

-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)....”