

FILED

JUL 07 2021

DEPARTMENT OF REAL ESTATE

By *h dew*

1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 137007
3 Sacramento, CA 95813-7007
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5 Telephone: (916) 576-8700
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8 BEFORE THE STATE OF CALIFORNIA
9 DEPARTMENT OF REAL ESTATE

11 To:) NO. H-3345 FR
12))
13 BLUE SKY CENTRAL PROPERTY) ORDER TO DESIST AND REFRAIN
14 MANAGEMENT INC and) (B&P Code Section 10086)
) KENNETH ANDREW TURNER
)

15 The Real Estate Commissioner (Commissioner) of the California Department of
16 Real Estate (Department) caused an investigation to be made of the activities of BLUE SKY
17 CENTRAL PROPERTY MANAGEMENT INC (BLUE SKY) and KENNETH ANDREW
18 TURNER (TURNER), including engaging in the business of, acting in the capacity of,
19 advertising, or assuming to act as a real estate broker in the State of California within the
20 meaning of Section 10131 (b) of the California Business and Professions Code (Code). Based
21 upon the findings of that investigation as set forth below, the Commissioner has determined and
22 is of the opinion that:

23 BLUE SKY and TURNER has violated Section 10130 of the Code by engaging in
24 the business of or acting as a real estate broker, within the meaning of Section 10131 (b)
25 (Engaging in Property Management Activities) of the Code without first having obtained a real
26 estate broker license from the Department. Furthermore, based on the investigation, the
27 ///

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

3 FINDINGS OF FACT

4 1. On January 11, 2007, the Department issued a real estate broker license to
5 TURNER, license number 01354806.

6 2. On October 5, 2007, the Department issued a real estate broker corporation
7 license to BLUE SKY, license number 01831031, with TURNER as the designated broker
8 officer.

9 3. On January 19, 2018, in Case No. H-3158 FR, the Department filed an
10 Accusation against BLUE SKY and TURNER alleging grounds for the suspension or revocation
11 of all licenses and licensing rights pursuant to Sections 10176 (i), 10177(d), 10177(g), and 10177
12 (h) of the Code, in conjunction with Sections 10145 and 10159.2 of the Code, and Sections 2725,
13 2831.2 and 2832.1 of Title 10 of the California Code of Regulations (Regulations).

14 4. Effective October 8, 2018, in Case No. H-3158 FR, the Commissioner
15 revoked the licenses and licensing rights of BLUE SKY and granted the right to the issuance of a
16 restricted real estate broker corporation license pursuant to Section 10156.5, provided BLUE
17 SKY made application therefor and paid an appropriate fee for the restricted license within 90
18 days from the effective date of the Decision.

19 5. Effective October 8, 2018, in Case No. H-3158 FR, the Commissioner
20 revoked the licenses and licensing rights of TURNER and granted the right to the issuance of a
21 restricted real estate broker license pursuant to Section 10156.5, provided TURNER made
22 application therefor and paid an appropriate fee for the restricted license within 90 days from the
23 effective date of the Decision.

24 6. BLUE SKY failed to apply for a restricted real estate broker corporation
25 license and pay the appropriate fees within 90 days of the effective date of the Order and
26 Decision.

27 ///

1 7. TURNER failed to apply for a restricted real estate broker corporation license
2 and pay the appropriate fees within 90 days of the effective date of the Order and Decision.

3 8. Since October 8, 2018, BLUE SKY and TURNER have not been licensed in
4 any capacity by the Department.

5 9. During the period of the time set out below, BLUE SKY and TURNER
6 performed one or more of the following acts for another or others, for compensation or in
7 expectation of compensation, within the meaning of Section 10131 (b) of the Code including
8 leasing, renting, or offering places to rent, negotiating the sale or purchase of leases of real
9 property or collecting rents on real property for compensation or in expectation of compensation.

10 10. On or about November 7, 2019, and continuing intermittently through January
11 30, 2020, the Department conducted a follow-up audit of the records of BLUE SKY. The auditor
12 examined the records for the period of November 1, 2018, through October 31, 2019 (the audit
13 period). According to statements made by TURNER and documents examined, BLUE SKY
14 continued performing property management activities, with TURNER as the designated broker
15 officer, after the licenses of BLUE SKY and TURNER had been revoked in Case No. H-3158
16 FR. During the audit period, BLUE SKY performed property management activities on behalf of
17 property owners and collected annual trust funds of approximately \$4.8 million. The property
18 management activities included collecting rent and security deposits for real property, soliciting
19 for tenants, advertising and responsibility for repairs and maintenance.

20 11. During the audit period, BLUE SKY collected management fees from the rent
21 in connection with the property management activities described above.

22 CONCLUSIONS OF LAW

23 Based on the Findings of Fact contained in Paragraphs 1 through 11, above,
24 BLUE SKY and TURNER has performed and/or participated in property management activities
25 which require a real estate broker license under Sections 10130 and 10131(b) of the Code. Thus,
26 BLUE SKY and TURNER violated Section 10130 of the Code.

27 ///

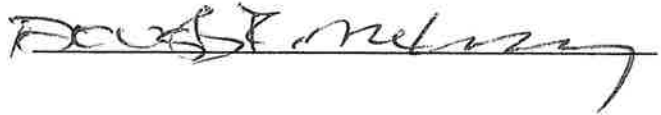
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DESIST AND REFRAIN ORDER

Based on the Findings of Fact and Conclusions of Law stated herein, BLUE SKY CENTRAL PROPERTY MANAGEMENT INC and KENNETH ANDREW TURNER IS HEREBY ORDERED to immediately Desist and Refrain from performing any and all acts within the State of California for which a real estate broker license is required, in particular, to immediately Desist and Refrain from providing or participating in property management services for others and for compensation unless and until a real estate broker license is obtained.

DATED: 6-3-21

DOUGLAS R. McCAULEY
REAL ESTATE 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)....”

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Desist and
Refrain Order to:

) DRE Case No. H-3345 FR

)
)
) BLUE SKY CENTRAL PROPERTY MANAGEMENT INC
) and KENNETH ANDREW TURNER
)
)
)
)

DECLARATION OF MAILING

STATE OF CALIFORNIA)
) ss.
COUNTY OF SACRAMENTO)

I am employed in the office of the Department of Real Estate of the State of California at 1651 Exposition Blvd., Sacramento, CA 95815. I am over the age of eighteen years and not a party to the within action.

On July 07, 2021, I served the following document(s):

- Desist and Refrain Order
- RE-575 Notice of Service
- RE-576 Service Notice
- Cite & Fine Citation Packet

in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

BLUE SKY CENTRAL PROPERTY MANAGEMENT INC
ATTN. KENNETH ANDREW TURNER
808 W MAIN STREET, #C
VISALIA CA 93291

KENNETH ANDREW TURNER
3745 W CALDWELL AVENUE, SUITE G
VISALIA CA 93277

(By Certified Mail) I served the above document(s) on behalf of the Department of Real Estate by placing for collection and mailing following ordinary business practices, true copies to the addressed as shown above, on this date and at the place shown, in envelope(s) in the ordinary course of business.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on July 07, 2021, at Sacramento, California.

Rebecca Lynn Dew
REBECCA LYNN DEW

DEPARTMENT OF REAL ESTATE

CITE & FINE
P.O. BOX 137012
SACRAMENTO, CA 95813-7012

**CITATION**

YOUR FAILURE TO RESPOND TO THIS CITATION, PAY THE ASSESSED FINE, OR SATISFY AN ORDER TO DESIST & REFRAIN MAY RESULT IN:

- ✓ LICENSE ISSUANCE WITHHELD
- ✓ A CIVIL JUDGMENT FOR THE UNPAID FINE.
- ✓ ANY UNPAID DEBT SENT TO COLLECTIONS, WHICH MAY INCUR ADDITIONAL FEES AND NEGATIVELY IMPACT YOUR CREDIT RATING.

To: BLUE SKY CENTRAL PROPERTY MANAGEMENT INC
808 W MAIN ST #C
VISALIA, CA 93291

RE: NUMBER OF CITATIONS: 14
CITATION NUMBER(S): See Below
DRE CASE NUMBER: 6-20-0429-001
DRE HEARING NUMBER: H-3345FR
PAYMENT DUE DATE: 30 Days after receipt

TOTAL FINE AMOUNT: \$35,000.00
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Pursuant to the authority provided in California Business and Professions Code §10080.9 and Commissioner's Regulation 2907, et seq., the California Department of Real Estate hereby issues this citation to Blue Sky Central Property Management Inc (Respondent), an unlicensed entity for specified violation(s) of the Real Estate Law. An Order to Desist & Refrain (D&R) accompanies the Citation(s).

CITATION SECTION

REF	CITATION NUMBER	VIOLATION(S)	FINE
1	C-4-21-0426-001 (PRIMARY)	Violation: B&P 10130 - Acting without license 7/5/2019, Respondent (BLUE SKY) collected and received rent/security deposit from Tenant Manuel S. for the rental of property located at 18124 Orange Belt.	\$2500.00
2	C-4-21-0426-002	Violation: B&P 10130 - Acting without license 11/16/2018, Respondent (BLUE SKY) collected and received rent/security deposit from Tenant Jennifer G. for the rental of property located at 257 E Vandalia Ave.	\$2500.00
3	C-4-21-0426-003	Violation: B&P 10130 - Acting without license 2/5/2019, Respondent (BLUE SKY) collected and received rent/security deposit from Tenant Yesenia S. for the rental of property located at 2151 N Sailee.	\$2500.00

4	C-4-21-0426-004	<p>Violation: B&P 10130 - Acting without license</p> <p>12/5/2018, Respondent (BLUE SKY) collected and received rent/security deposit from Tenant Cassandra M. for the rental of property located at 1976 W Tomah.</p>	\$2500.00
5	C-4-21-0426-005	<p>Violation: B&P 10130 - Acting without license</p> <p>9/3/2019, Respondent (BLUE SKY) collected and received rent/security deposit from Tenant Diana C. for the rental of property located at 3537 W Babcock.</p>	\$2500.00
6	C-4-21-0426-006	<p>Violation: B&P 10130 - Acting without license</p> <p>3/1/2019, Respondent (BLUE SKY) collected and received rent/security deposit from Tenant Kim S. for the rental of property located at 30 Doris.</p>	\$2500.00
7	C-4-21-0426-007	<p>Violation: B&P 10130 - Acting without license</p> <p>6/5/2019, Respondent (BLUE SKY) collected and received rent/security deposit from Tenant Krimson A. T. for the rental of property located at 461 Piano.</p>	\$2500.00
8	C-4-21-0426-008	<p>Violation: B&P 10130 - Acting without license</p> <p>12/5/2018, Respondent (BLUE SKY) collected and received rent/security deposit from Tenant Omar B. for the rental of property located at 12767 2nd Drive.</p>	\$2500.00
9	C-4-21-0426-009	<p>Violation: B&P 10130 - Acting without license</p> <p>2/28/2019, Respondent (BLUE SKY) collected and received rent/security deposit from Tenant Sheri B. for the rental of property located at 771-75 Honolulu.</p>	\$2500.00
10	C-4-21-0426-010	<p>Violation: B&P 10130 - Acting without license</p> <p>12/28/2018, Respondent (BLUE SKY) collected and received rent/security deposit from Tenant Macie L. for the rental of property located at 20579 Ave 184.</p>	\$2500.00
11	C-4-21-0426-011	<p>Violation: B&P 10130 - Acting without license</p> <p>3/22/2019, Respondent (BLUE SKY) entered into a property management agreement with Tracy D., for the management of property located at 320 and 330 Pearson and 771 Honolulu.</p>	\$2500.00
12	C-4-21-0426-012	<p>Violation: B&P 10130 - Acting without license</p> <p>2/26/2020, Respondent (BLUE SKY) negotiated and entered into a lease agreement with Beatrice R. and Timothy F., for the property located at 880 Charles Lane #3, Porterville, California 93257.</p>	\$2500.00
13	C-4-21-0426-013	<p>Violation: B&P 10130 - Acting without license</p> <p>3/5/2020, Respondent (BLUE SKY) negotiated and entered into a lease agreement with Yesenia A. and Byron A., for the property located at 885 E Putnam Ave #15, Porterville, California 93257.</p>	\$2500.00

14	C-4-21-0426-014	Violation: B&P 10130 - Acting without license 2/20/2020, Respondent (BLUE SKY) negotiated and entered into a lease agreement with Elijah R. and Carrie R., for the property located at 2313 W Lark Ave, Visalia, California 93291.	\$2500.00
TOTAL ADMINISTRATIVE FINES: \$35,000.00			

PAYMENT OF ADMINISTRATIVE FINE

Payment of the fine shall not constitute an admission of the violation(s) cited.

Please return the enclosed invoice form and include the Citation number on your cashier's check or money order. If you are paying by credit card, please complete and return the Credit Card Authorization form. Send payments to:

DEPARTMENT OF REAL ESTATE
FISCAL / Citations
Post Office Box 137006
Sacramento CA 95813-7006

FAILURE TO RESPOND OR COMPLY WITH CITATION

The failure to comply with the terms of the citation or pay a fine assessed pursuant to B&P §10080.9 shall subject that person to formal disciplinary action by the Commissioner, which could, if you are a licensee, result in the suspension or revocation of your real estate license *and mortgage loan originator license endorsement (if applicable)*. A license may not be renewed, nor may a new license be issued, if an unpaid fine remains outstanding or the terms of a citation have not been complied with.

Unpaid fines may be referred for collections, which may negatively affect one's credit rating. Please know that pursuant to Government Code §16583.1, a referral for collections and a subsequent collections effort may result in additional costs to you from fees related to the collections, which may total more than the amount of the initially-assessed fine. The Department may also seek a civil court judgment for the unpaid debt from superior court.

If, within thirty (30) days from the receipt of the citation, you fail to notify the Department's Cite & Fine section of your intent to contest the citation and request a formal hearing, the citation shall be deemed final.

CONTESTING THE CITATION – CITATION REVIEW CONFERENCE

You may contest or dispute any aspect of the citation by making written request to the Department no later than 30 days after receipt of the citation. Use the enclosed form, "Notice of Intent to Request a Formal Hearing", to indicate your wish to contest the citation.

Upon receipt of your request, the Department will schedule you for a Citation Review Conference, or CRC, which are held in the Department's Sacramento or Los Angeles offices.

The CRC is an opportunity for you to meet in person with a representative of the Department and to present evidence or mitigating information regarding the cited violations. Following the CRC the Department will notify you of its decision to affirm, modify, or dismiss the citation(s).

CONTESTING THE D&R AND CITATION – FORMAL ADMINISTRATIVE HEARING

Pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, you have the right to a formal administrative hearing conducted by an administrative law judge through the Office of Administrative Hearings. Please refer to the accompanying Order to Desist & Refrain for information on contesting the D&R.

ADDITIONAL CITE AND FINE INFORMATION is available on the Department's website at www.dre.ca.gov.

**CITE & FINE
Department of Real Estate**

By: 

L.S. MARTIN
Compliance Officer

CITATION AND FINE INVOICE

RE 589 (Rev 9/14)

DRE USE ONLY

DRE USE ONLY

CITATION INFORMATION

DRE CITATION NUMBER
C-4-21-0426-001 (PRIMARY)

DRE CASE NUMBER
6-20-0429-001

DRE RECEIVED DATE

CITATION/INVOICE DATE
04/27/2021

INVOICE NUMBER
CIT03024 (PRIMARY)

DRE LICENSE NUMBER

CITED PARTY

BLUE SKY CENTRAL PROPERTY MANAGEMENT INC
808 W MAIN ST #C
VISALIA, CA 93291

DESCRIPTION

TOTAL

ASSESSED ADMINISTRATIVE FINE

\$35,000.00

TOTAL DUE TO DRE BY: 30 DAYS AFTER RECEIPT

- ❖ Payment may be made by certified funds, money order, or credit card. If paying by credit card, complete and return the credit card information requested. **No personal or company checks will be accepted.**
- ❖ If payment is mailed, please include a copy of this invoice with your payment.
- ❖ Total fine amount is for 14 citations.

INSTRUCTIONS

FOR ACCOUNTING USE
ONLY:
164300.36

- A copy of this invoice must accompany your remittance to ensure proper credit to your account.
- Make the cashier's check or money order payable to:
California Department of Real Estate, or DRE
- Mail to: CALIFORNIA DEPARTMENT OF REAL ESTATE
FISCAL/CITATIONS
P.O. BOX 137006
SACRAMENTO, CA 95813-7006

