

FILED
MAY 03 2003

DEPARTMENT OF REAL ESTATE

Shelly El

1 DAVID B. SEALS, Counsel
2 Department of Real Estate
2201 Broadway
3 P. O. Box 187000
Sacramento, CA 95818-7000
4 (916) 227-0789

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 TO:)	NO. H-3758 SAC
INTERNATIONAL VACATION)	
12 HOMES, INC. and)	<u>FIRST CONTINUED</u>
JEFF FITZGERALD)	<u>NOTICE OF HEARING</u>
)	<u>ON ORDER TO</u>
)	<u>DESIST AND REFRAIN</u>

15 Pursuant to the April 21, 2003 ORDER GRANTING MOTION
16 FOR CONTINUANCE in the above entitled matter:

17 YOU ARE HEREBY NOTIFIED that a hearing on the Order to
18 Desist and Refrain will be held before the Department of Real
19 Estate at the Office of Administrative Hearings, 560 J Street,
20 Suites 340/360, Sacramento, CA 95814, on June 5, 2003, commencing
21 at 1:00 PM, or as soon thereafter as the matter can be heard,
22 upon the matters contained in the ORDER TO DESIST AND REFRAIN
23 filed January 22, 2003.


24 You may be present at the hearing and may be
25 represented by counsel, but you are neither required to be
26 present at the hearing, nor are you required to be represented by
27 counsel.

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You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents, or other things by applying to the Department of Real Estate or the Office of Administrative Hearings.

DATED: May 8, 2003

PAULA REDDISH ZINNEMANN
Real Estate Commissioner

By: 

DAVID B. SEALS, Counsel

1 DAVID B. SEALS, Counsel
2 Department of Real Estate
3 2201 Broadway
4 P. O. Box 187000
5 Sacramento, CA 95818-7000
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FILED
APR 15 2003
DEPARTMENT OF REAL ESTATE
Shelly Ely

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

TO:)
INTERNATIONAL VACATION) NO. H-3758 SAC
HOMES, INC. and)
JEFF FITZGERALD) NOTICE OF HEARING
) ON ORDER TO
) DESIST AND REFRAIN

On December 12, 2002, the Real Estate Commissioner of the State of California issued her Order, directing the above-named parties to desist and refrain from certain alleged activities; and,

Sean A. Andrade, Attorney at Law, Baker & Hostetler LLP, for and on behalf of INTERNATIONAL VACATION HOMES, INC., and JEFF FITZGERALD, made a request on March 14, 2003, for hearing pursuant to Section 10086 of the Business and Professions Code of the State of California.

YOU ARE HEREBY NOTIFIED that a hearing on the Order to Desist and Refrain will be held before the Department of Real Estate at the Office of Administrative Hearings, 560 J Street, Suites 340/360, Sacramento, CA 95814, on May 9, 2003, commencing

1 at 1:30 PM, or as soon thereafter as the matter can be heard,
2 upon the matters contained in the ORDER TO DESIST AND REFRAIN
3 filed January 22, 2003.

4 You may be present at the hearing and may be
5 represented by counsel, but you are neither required to be
6 present at the hearing, nor are you required to be represented by
7 counsel.

8 You may present any relevant evidence and will be given
9 full opportunity to cross-examine all witnesses testifying
10 against you. You are entitled to the issuance of subpoenas to
11 compel the attendance of witnesses and the production of books,
12 documents, or other things by applying to the Department of Real
13 Estate or the Office of Administrative Hearings.

14 DATED: April 15, 2003

15
16 PAULA REDDISH ZINNEMANN
Real Estate Commissioner

17
18 By: 

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DAVID B. SEALS, Counsel

1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 187000
3 Sacramento, CA 95818-7000
4
5 Telephone: (916) 227-0789
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FILED
JAN 22 2003

DEPARTMENT OF REAL ESTATE

By Shelley Ely

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 TO: INTERNATIONAL VACATION) NO. H-3758 SAC
12 HOMES, INC. and)
13 JEFF FITZGERALD,) ORDER TO DESIST AND REFRAIN
(B&P Code Section 10086)

14 The Real Estate Commissioner of the State of California
15 has determined through an investigation that you, and each of
16 you, have violated Sections 10085 and 10130 of the California
17 Business and Professions Code (hereinafter Code) and Section
18 2970, Title 10, California Code of Regulations (hereafter the
19 Regulations) by engaging in the business of a real estate broker
20 within the State of California without a real estate broker
21 license.

22 I

23 At no time herein mentioned have either of you been
24 licensed by the Department of Real Estate of the State of
25 California (hereinafter Department) as a real estate broker.

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1 II

2 All further references herein to "you" include the
3 parties identified above, and also include the officers,
4 directors, employees and agents employed by or associated with
5 said parties and who at all times herein mentioned were engaged
6 in the furtherance of the business or operations of said parties
7 and were acting within the course and scope of their authority
8 and employment.

9 III

10 From time to time you have and you continue to solicit
11 within the state of California prospective sellers, lessors,
12 and/or rentors of timeshare real property and assumed or offered
13 to assist in the advertising of their timeshare real property for
14 sale or rent on your website with the address of
15 www.ivacation.com. Such activity is for compensation which must
16 be provided prior to the provision of all services by you and
17 therefore, is an activity requiring a real estate license.

18 IV

19 In soliciting said prospective sellers, lessors, and/or
20 rentors of timeshare real property to advertise said property for
21 sale or rent, you have claimed, demanded, charged or received an
22 advance fee. However, such solicitation was done and continues to
23 be done without first having submitted any of the materials used
24 in the advertising or solicitation to the Commissioner prior to
25 use in violation of Section 10085 of the Code and Section 2970 of
26 the Regulations.

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V

The acts described in paragraph III are acts requiring a California real estate broker license under the provisions of Sections 10131 and 10131.2 of the Code.

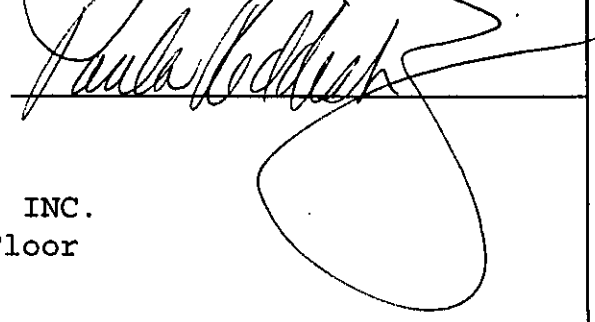
VI

You violated Section 10130 of the Code by engaging in the activities described in paragraph III without first obtaining a California real estate broker license from the Department.

NOW, THEREFORE, YOU ARE ORDERED TO DESIST AND REFRAIN from performing any and all acts for which a California real estate license is required until such time as you obtain the required license from the Department and until you have complied with Section 10085 of the Code and Section 2970 of the Regulations.

DATED: December 12, 2002

PAULA REDDISH ZINNEMANN
Real Estate Commissioner



cc: INTERNATIONAL VACATION HOMES, INC.
9800 S. Sepulveda Blvd., 4TH Floor
Los Angeles, CA 90045

JEFF FITZGERALD, President/CFO
9800 S. Sepulveda Blvd., 4TH Floor
Los Angeles, CA 90045

14020 Marquesas Way, Apt. C
Marina Del Rey, CA 90292