1	DEPARTMENT OF REAL ESTATE P. O. Box 187007
	Sacramento, CA 95818-7007
3	Telephone: (916) 227-0789 DEPARIMENT OF REAL ESTATE
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8	STATE OF CALIFORNIA
9	DEPARTMENT OF REAL ESTATE
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11	To:) NO. H-4306 SD
12) TIMESHARERENTORSELL COM, LLC) <u>ORDER TO DESIST AND REFRAIN</u>
13	and VACATION TREE, INC. (B&P Code Section 10086)
14)
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16	The Commissioner of the California Department of Real Estate (hereinafter
17	"Department") caused an investigation to be made of the activities of TIMESHARERENTORSELI
18	COM, LLC using the name www.bestresortrentalandsale.com or other names unknown at this
19	time (hereinafter "TRS") and VACATION TREE, INC. also know as Vacation Tree, LLC
20	(hereinafter "VACATION TREE"). Based on that investigation, the Commissioner has
21	determined that TRS and VACATION TREE have engaged in, are engaging in, or are attempting
22	to engage in, acts or practices constituting violations of the California Business and Professions
23	Code (hereinafter "Code") and/or Title 10, Chapter 6, California Code of Regulations (hereinafter
23	"Regulations") including acting in the capacity of, advertising, or assuming to act as a real estate
24	broker in the State of California within the meaning of Code Sections 10130 (act as a real estate
	broker without a license), 10131(a) (solicited prospective sellers and purchasers of, solicited and
26	obtained listings of, and negotiated the purchase and sale of real property consisting of timeshare
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TIMESHARERENTORSELL COM, LLC, et al.

interests) and 10085.5 (demanding advance fee). Furthermore, based upon the investigation, the 1 2 Commissioner hereby issues the following Findings of Fact and Desist and Refrain Order under the authority of Code Section 10086. 3

Whenever acts referred to below are attributed to TRS and/or VACATION TREE. 5 those acts are alleged to have been done by TRS and VACATION TREE, or by and/or through 6 one or more agents, associates, affiliates, and/or co-conspirators, and/or using other names or fictitious names unknown at this time.

FINDINGS OF FACT

9 1. TRS is a company existing under the laws of the State of California and with 10 its primary place of business located at 1685 E. Main Street, Suite 201, El Cajon, California, 11 92021. At no time herein mentioned was TRS licensed by the Department in any capacity.

12 2. VACATION TREE is a company existing under the laws of the State of 13 California with its primary place of business located at 1685 E. Main Street, Suite 201, El Cajon, 14 California, 92021. At no time herein mentioned was VACATION TREE licensed by the 15 Department in any capacity.

16 3. During the periods of time set forth below, TRS and VACATION TREE, 17 individually and/or their officers, directors, employees, and/or agents employed by or associated 18 with them solicited to do one or more of the following acts for another or others, for or in 19 expectation of compensation: solicited prospective sellers and purchasers of, solicited and 20 obtained listings of, and negotiated the purchase and sale of real property consisting of timeshare 21 interests under Section 10131(a) of the Business and Professions Code.

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4. On approximately June 3, 2009, TRS, acting by and through Molly Baccam 23 and/or other agents, associates, affiliates, and/or co-conspirators solicited Richard C. in order to 24 negotiate the sale of his timeshare interest, and claiming, demanding, charging, receiving, 25 collecting or contracting for an advanced fee for such services in the amount of \$850 without 26 having first obtained a real estate broker license in violation of Sections 10130, 10131(a) and 27 10085.5.

- 2 -

5. On approximately February 2, 2010, TRS, acting by and through Richard
 Thomas and/or other agents, associates, affiliates, and/or co-conspirators solicited Paul R. in
 order to negotiate the sale of his timeshare interest located in Orlando, Florida, and claiming,
 demanding, charging, receiving, collecting or contracting for an advanced fee for such services in
 the amount of \$699 without having first obtained a real estate broker license in violation of
 Sections 10130, 10131(a) and 10085.5.

6. On approximately November 3, 2010, VACATION TREE, acting by and
through Thomas Ward and/or other agents, associates, affiliates, and/or co-conspirators solicited
Louis and Nellie W. in order to negotiate the sale of their timeshare interest located in Las Vegas,
Nevada, and claiming, demanding, charging, receiving, collecting or contracting for an advanced
fee for such services in the amount of \$850 without having first obtained a real estate broker
license in violation of Sections 10130, 10131(a) and 10085.5.

7. In connection with the above transactions, TRS and VACATION TREE made
 use of written materials, including but not limited to advertisements and agreements. TRS and
 VACATION TREE failed to obtain approval from the Department for all materials used by them
 to advertise, promote, solicit and negotiate agreements for the above advance fees as required by
 Section 10085 of the Code and Section 2970 of the Regulations.

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CONCLUSIONS OF LAW

19 8. Based upon the Findings of Fact contained in Paragraphs 1 through 7, TRS 20 and VACATION TREE have solicited prospective sellers and purchasers of, solicited and 21 obtained listings of, and negotiated the purchase and sale of real property consisting of timeshare 22 interests which require a real estate license during a period of time when TRS and VACATION 23 TREE were not licensed by the Department in any capacity for or in expectation of a 24 compensation and claimed, demanded, charged, received, collected or contracted for an advanced 25 fee for such services, thus violated Sections 10130, 10131(a) and 10085.5 of the Code. 26 ///

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1	DESIST AND REFRAIN ORDER
. 2	Now, therefore, TIMESHARERENTORSELL COM, LLC and VACATION
3	TREE, INC., their employees, agents, official successors and assigns, ARE HEREBY
4	ORDERED to immediately desist and refrain from:
5	(1) performing any and all acts within the State of California for which a real estate
6	salesperson or broker license is required, unless and until they obtain a real estate
7	salesperson or broker license and
8	(2) charging, demanding, contracting for or receiving advance fees, as that term is
9	defined in Section 10026 of the code, for any of the services they offer to others, unless
10	and until they demonstrate and provide evidence satisfactory to the Commissioner that
11	they are properly licensed by the Department as a real estate broker, and that they have an
12	advance fee agreement which has been submitted to the Department and which is in
13	compliance with the provisions of Section 2970 of the Regulations.
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15	DATED:
16	BARBARA J. BIGBY
17	Acting Real Estate Commissioner
18	A alton
19	Laguara & Lipper
20	
21	- <u>NOTICE</u> -
22	Business and Professions Code Section 10139 provides that, "Any person acting as a real
23	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
24	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
25	imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars
26	(\$60,000)"
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	ORDER TO DESIST AND REFRAIN - 4 - TIMESHARERENTORSELL COM, LLC, et al.
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