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FILED

MAY 14 2014

BUREAU OF REAL ESTATE

By

8 BEFORE THE BUREAU OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 TO:) NO. H-4639 SD
12 SUSAN MARIE SMALL,)
13 BEHIND THE SCENES MANAGEMENT) ORDER TO DESIST AND REFRAIN
14 SERVICES, BEHIND THE SCENES) (B&P Section 10086)
PROPERTY MANAGEMENT, and)
SU SMALL HOME SERVICES.)

15 The Real Estate Commissioner of the State of
16 California has caused an investigation to be conducted and is of
17 the opinion that SUSAN MARIE SMALL aka Susan M. Small and Su
18 Small ("SMALL"), BEHIND THE SCENES MANAGEMENT SERVICES, BEHIND
19 THE SCENES PROPERTY MANAGEMENT, and SU SMALL HOME SERVICES
20 (collectively "Respondents") have violated Section 10130 of the
21 Business and Professions Code of the State of California in that
22 SMALL, while doing business as BEHIND THE SCENES MANAGEMENT
23 SERVICES, BEHIND THE SCENES PROPERTY MANAGEMENT, and/or SU SMALL
24 HOME SERVICES, engaged in property management activities which

1 require a real estate license without first obtaining a real
2 estate broker license. This opinion is based on the findings
3 set forth below.

4 1.

5 SMALL, BEHIND THE SCENES MANAGEMENT SERVICES, BEHIND
6 THE SCENES PROPERTY MANAGEMENT, AND SU SMALL HOME SERVICES have
7 never been licensed by the Bureau of Real Estate ("Bureau") in
8 any capacity.

9 2.

10 On May 23, 2012, in Case No. H-38155 LA, the
11 Commissioner found that SMALL, while doing business as SU SMALL
12 HOME SERVICES, violated Code Section 10130 by engaging in
13 activities that require a real estate broker license within the
14 State of California and issued an Order to Desist and Refrain
15 against SU SMALL HOME SERVICES and SMALL. The Order to Desist
16 and Refrain was personally served on SMALL on June 28, 2012.

17 3.

18 On January 3, 2012, SMALL filed, or caused to be
19 filed, a fictitious business name statement with the Office of
20 the County Clerk for Riverside County. The fictitious business
21 name statement indicates that SMALL and Lisa Kathleen Kolar
22 ("Kolar") are owners of the fictitious business name, Behind the
23 Scenes Management Services.

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4.

From March 25, 1998, to the present, Kolar has been licensed by the Bureau as a real estate broker, License ID 00857621. At no time relevant herein has Kolar been licensed to do business as any of the following fictitious business names: BEHIND THE SCENES MANAGEMENT SERVICES, BEHIND THE SCENES PROPERTY MANAGEMENT, OR SU SMALL HOME SERVICES.

5.

SMALL, while doing business as BEHIND THE SCENES MANAGEMENT SERVICES, BEHIND THE SCENES PROPERTY MANAGEMENT and/or SU SMALL HOME SERVICES, has solicited and offered to perform long-term property management services for others including, but not limited to Margaret G. SMALL has solicited listings of places for rent, solicited prospective tenants for rental properties, offered to negotiate the lease for real properties, and offered to collect rents for rental properties owned by others on the following website: <http://behindthescenepropertymanagement.com>. On this website, SMALL claims that BEHIND THE SCENES MANAGEMENT SERVICES has been in business for over 30 years. SMALL advertises long term rentals on the website. The website claims that BEHIND THE SCENES MANAGEMENT SERVICES is licensed, bonded, and insured.

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6.

On or about November 13, 2012, Margaret G. entered into a rental property management agreement with SMALL wherein SMALL agreed to provide property management services for a one-year period for property located at 34 La Cerra Drive, Rancho Mirage, California ("rental property"). According to the agreement, SMALL was to be compensated ten (10) percent of the monthly rents for long term rentals over six (6) months and twenty (20) percent of the monthly rents for short term rentals up to six (6) months.

7.

On June 19, 2013, the Bureau received a complaint from Margaret G. against BEHIND THE SCENES MANAGEMENT SERVICES and SMALL for their business practices. The complaint alleged that SMALL engaged in dishonest dealing, failed to return all keys and the garage door opener for the rental property after the rental management agreement was cancelled by Margaret G., and charged Margaret G. an unapproved fee of \$200 purportedly for the costs of soliciting prospective tenants for Margaret G.'s rental property on BEHIND THE SCENES MANAGEMENT SERVICES' website.

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8.

SMALL's acts set forth above do not fall within the exemption pursuant to Code section 10131.01, Civil Code section 1940, and Revenue and Taxation Code section 7280.

9.

By the commission of the acts alleged above, SUSAN MARIE SMALL, BEHIND THE SCENES MANAGEMENT SERVICES, BEHIND THE SCENES PROPERTY MANAGEMENT, and SU SMALL HOME SERVICES engaged in the business and acted in the capacity of a real estate broker within the State of California as defined by Section 10131(b) of the Business and Professions Code.

10.

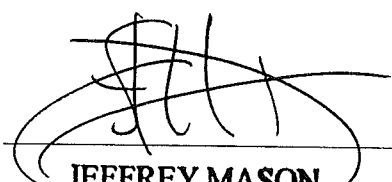
Prior to engaging in the business and acting in the capacity of a real estate broker within the State of California, SUSAN MARIE SMALL, BEHIND THE SCENES MANAGEMENT SERVICES, BEHIND THE SCENES PROPERTY MANAGEMENT, and SU SMALL HOME SERVICES failed to obtain a real estate broker license from the Bureau of Real Estate, in violation of Section 10130 of the Business and Professions Code.

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1 NOW, THEREFORE, SUSAN MARIE SMALL, BEHIND THE SCENES
2 MANAGEMENT SERVICES, BEHIND THE SCENES PROPERTY MANAGEMENT, and
3 SU SMALL HOME SERVICES ARE ORDERED TO DESIST AND REFRAIN from
4 performing any and all acts within the State of California for
5 which a real estate broker license is required, unless and until
6 SUSAN MARIE SMALL, BEHIND THE SCENES MANAGEMENT SERVICES, BEHIND
7 THE SCENES PROPERTY MANAGEMENT, and SU SMALL HOME SERVICES
8 obtain a real estate broker license.

9 DATED: MAY 13 2014

10 REAL ESTATE COMMISSIONER

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12 _____
13 **JEFFREY MASON**
14 Chief Deputy Commissioner

15 **Notice:** Business and Professions Code Section 10139 provides
16 that "Any person acting as a real estate broker or real estate
17 salesperson without a license or who advertises using words
18 indicating that he or she is a real estate broker without being
19 so licensed shall be guilty of a public offense punishable by a
20 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)."

21 cc: Susan Marie Small, Behind The Scenes Management Services, Behind
22 The Scenes Property Management, and Su Small Home Services
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Rancho Mirage, CA 92270-4925
23 P.O. Box 881
Rancho Mirage, CA 92270-0881
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