

Flag

FILED

JUN - 6 2017

BUREAU OF REAL ESTATE

By Zoe Jan

BUREAU OF REAL ESTATE
320 W. 4th Street, Suite 350
Los Angeles, CA 90013

Telephone: (213) 576-6982

BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

* * *

TO:)	
)	NO. H-04910 SD
)	
WASHINGTON STREET CONDOS,)	<u>ORDER TO DESIST & REFRAIN</u>
LLC; SIGNATURE REAL ESTATE,)	(B&P Section 11019)
INC.; JAMES PATRICK DUFFY; and)	
RICHARD WAYNE DAVIS,)	
)	
Respondents.)	
)	

RE: WASHINGTON STREET TOWNHOUSES
Public Report No. 020115LA-A01

The Real Estate Commissioner of the State of California (hereinafter
“Commissioner”) has caused an investigation to be made, and based upon the findings of that
investigation as set forth below, has determined that WASHINGTON STREET CONDOS, LLC,
SIGNATURE REAL ESTATE, INC., JAMES PATRICK DUFFY, and RICHARD WAYNE
DAVIS (sometimes collectively referred to as “Respondents”) have violated or failed to comply
with Sections 11018.2 and 11019(a)(1) of the California Business and Professions Code
 (“Code”), and Section 2795.3 of Chapter 6, Title 10 of the California Code of Regulations
 (“Regulations”) in that Respondents have sold, and continue to offer for sale, lots in the above-

1 referenced subdivision known as WASHINGTON STREET TOWNHOUSES, even though the
2 public report for that subdivision expired on January 12, 2016.

3 1.

4 Respondent WASHINGTON STREET CONDOS, LLC ("WSC") is the current
5 owner or subdivider of a subdivision of real property as defined in Section 11010 of the Code
6 and described as WASHINGTON STREET TOWNHOUSES, San Diego County, California.
7 That subdivision is further identified in this Order as Bureau of Real Estate ("Bureau") File No.
8 020115LA-A01 ("the subdivision").

9 2.

10 Respondents JAMES PATRICK DUFFY ("DUFFY") and RICHARD WAYNE
11 DAVIS ("DAVIS") are the Managing Members of Respondent WSC. In those positions,
12 Respondents DUFFY and DAVIS are responsible for ensuring that the subdivision conforms to
13 the requirements of the Subdivided Lands Act, beginning at Code Section 11000.

14 3.

15 Respondent SIGNATURE REAL ESTATE, INC. ("SREI") is presently licensed
16 or has license rights under the Real Estate Law as a corporate real estate broker. Respondent
17 SREI was originally licensed as a corporate real estate broker by the Bureau on November 12,
18 2013. Respondent SREI's corporate real estate broker license is due to expire on November 11,
19 2017.

20 4.

21 Respondent DUFFY is presently licensed or has license rights under the Real
22 Estate Law as a real estate broker. Respondent was originally licensed by the Bureau as a real
23 estate salesperson on May 6, 2003, and as a real estate broker on August 22, 2013. Respondent
24 DUFFY's real estate broker license is due to expire on August 21, 2017.

25 5.

26 The Bureau first issued Public Report No. 020115LA-F00 for the subdivision on
27 August 20, 1982, with an expiration date of August 19, 1987, to subdividers Donald E. and Anne

1 G. Baron ("Baron"). On January 13, 2011, the Bureau issued amended Public Report No.
2 020115LA-A01 to Baron with an expiration date of January 12, 2016. Effective September 29,
3 2015, ownership of the subdivision was transferred from Baron to Respondent WSC.

4 6.

5 On or about February 19, 2016, Respondents sold a unit in the subdivision to
6 Mary M. after the public report had expired in violation of Code Sections 11018.1(a), and
7 11018.2. Respondents have continued to sell lots in the subdivision. On or about October 11,
8 2016, Respondents sold a unit in the subdivision to Heladio L. and Liliana C., and on or about
9 March 20, 2017, Respondents sold a third unit in the subdivision to Marc. V., all after the
10 expiration of the public report. Respondents SREI and DUFFY acted as the listing real estate
11 brokers representing the seller in all three transactions.

12 7.

13 On December 19, 2016, the Bureau received Respondent WSC's application for a
14 renewal to Public Report No. 020115LA-A01. To date, Respondents have not satisfied the
15 requirements for the renewal of Public Report No. 020115LA-A01, and Respondents have not
16 obtained a renewal of that public report.

17 8.

18 Respondents' continued sales of units in the subdivision after the expiration of the
19 public report constitutes a violation of Code Section 11018.2 and Regulation 2795.3, and
20 subjects the Respondents to an Order to Desist and Refrain from violating the law pursuant to
21 Code Section 11019(a)(1).

22 ///

23 ///

24 ///

25 ///


26 ///

27 ///

1 NOW, THEREFORE, RESPONDENTS AND THEIR AGENTS, EMPLOYEES,
2 SUCCESSORS AND ASSIGNS, ARE HEREBY ORDERED TO DESIST AND REFRAIN
3 from selling or leasing, or offering for sale or lease, any units in the subdivision until
4 Respondents have corrected the violations and failures to comply with the provisions of the
5 Subdivided Lands Act, beginning at Code Section 11000 and the Regulations described
6 hereinabove; and until Respondents have applied for and obtained a Renewed Public Report for
7 the subdivision.

8 DATED: 6/1/17

9
10 WAYNE S. BELL
Real Estate Commissioner

11
12 
13

14 By: DANIEL J. SANDRI
Chief Deputy Commissioner
15
16
17

18 cc: Washington Street Condos, LLC
19 3138 Roosevelt Street, Suite C
Carlsbad, CA 92008

20 Signature Real Estate, Inc.
21 3138 Roosevelt Street, Suite C
22 Carlsbad, CA 92008

23 James Patrick Duffy
24 3138 Roosevelt Street, Suite C
Carlsbad, CA 92008

25 Richard Wayne Davis
26 33971 Selva Road, Suite 100
Dana Point, CA 92629
27