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Department of Real Estate
320 West Fourth Street, Ste. 350
Los Angeles, California 90013
Telephone: (213) 576-6982

FILED

MAY 31 2019

DEPT. OF REAL ESTATE

By *[Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * * *

To:) No. H-05065 SD
)
GARY ALAN WHITEHEAD, individually) ORDER TO DESIST
and doing business as Gary Whitehead &) AND REFRAIN
Associates)
)
)
) (B&P Code Section 10086)
)

The Commissioner ("Commissioner") of the California Department of Real Estate ("Department") caused an investigation to be made of the activities of GARY ALAN WHITEHEAD ("WHITEHEAD"), individually and doing business as Gary Whitehead & Associates, and has determined that WHITEHEAD, and/or any other fictitious business names used by WHITEHEAD, has engaged in or is engaging in acts or practices constituting violations of the California Business and Professions Code ("Code"), including engaging in the business of, acting in the capacity of, advertising, or assuming to act, as a real estate broker in the State of California within the meaning of Section 10131(b) of the Code (leasing or renting or offering to lease or to rent or soliciting for prospective tenants or collecting rents from real property or improvements thereon). Based on the findings of that investigation, as set forth below, the Commissioner hereby issues the following Findings of Fact and Desist and Refrain Order

ORDER TO DESIST AND REFRAIN

1 pursuant to Section 10086 of the Code.

2 Whenever acts referred to below are attributed to WHITEHEAD, those acts are
3 alleged to have been done by WHITEHEAD, acting by himself, or by and/or through one or
4 more associates, affiliates, co-conspirators, and/or other names or fictitious names unknown at
5 this time.

6 FINDINGS OF FACT

7 1. From on or about February 13, 1981 through June 4, 1996, WHITEHEAD
8 was licensed and/or had license rights issued by the Department as a real estate salesperson
9 (License ID 00809314). On or about November 18, 1991, the Real Estate Commissioner, in
10 Case No. H-1811 SD, suspended WHITEHEAD's real estate license for a period of thirty (30)
11 days, effective December 16, 1991. Said suspension was stayed for one (1) year under certain
12 terms and conditions. On or about April 16, 1996, the Real Estate Commissioner, in Case No.
13 H-2102 SD, revoked WHITEHEAD's real estate license, effective June 4, 1996. Since
14 June 4, 1996, through the present, WHITEHEAD has not been licensed by the Department in
15 any capacity.

16 2. On or about July 21, 1998, the Real Estate Commissioner, in Case No. H-2422
17 SD, ordered WHITEHEAD to Desist and Refrain from engaging in the business and acting in
18 the capacity of a real estate broker in California within the meaning of Section 10131(b) of the
19 Code.

20 3. For an unknown period of time, including April 25, 2017, WHITEHEAD,
21 while doing business as Gary Whitehead & Associates, advertised and solicited owners of rental
22 property on his website www.garywhitehead.net ("website") wherein WHITEHEAD states the
23 following on the website page entitled "RENTAL PROPERTY MANAGEMENT" under
24 "Services":

25
26 For those with multiple family units, a large and professional property
27 management service is probably your best choice, but for those with one
or two properties where cash flows of rent must be carefully individually
managed, our service is both responsive and inexpensive....Property

ORDER TO DESIST AND REFRAIN

1 management service begins at \$50.00 per rental unit.

2 4. WHITEHEAD's website lists two locations under the "Contact Us" page, one
3 in La Jolla, California, and the other in Palm Springs, California. The email address for the La
4 Jolla office is listed as "sandiegoac@aol.com."

5 5. On or about August 10, 2017, a Department investigator sent an email to
6 WHITEHEAD at sandiegoac@aol.com from "chase.a.mann@gmail.com," an investigative
7 email address, and used the investigative pseudonym "Charles Mann." In the investigator's
8 email to WHITEHEAD, the investigator asked WHITEHEAD to describe the services
9 WHITEHEAD provided as a property manager. The investigator received the following
10 response via email:

11 Services include: 1) responsibility to make sure your rent is collected. The
12 tenants [*sic*] rent MUST be made payable to only you and will be
13 deposited to your bank of choice or mailed directly from tenant to you. It
14 is clients [*sic*] choice here. I do not have any tenant funds in my name, no
15 security deposits will be held in my name. Owner controls all financial
16 aspects and pays mortgage, taxes direct [*sic*]. 2) Interaction with tenant
17 regarding maintenance issues. All costs of any maintenance repair must be
18 approved by owner and paid direct to vendor from owner. 3) Drive by
19 inspections 4) Responsibility for finding a new tenant when necessary at
20 additional costs. Tenant screening – credit – reference checks included.
21 Owner has the right to reject all tenants. While I write the leases, all
22 owners are required to approve of and sign leases as appropriate.
23 (emphasis added)

24 CONCLUSIONS OF LAW

25 6. Based on the information contained in Paragraphs 1 through 5 above, GARY
26 ALAN WHITEHEAD, individually and doing business as Gary Whitehead & Associates,
27 acting by himself, or by and/or through one or more associates, affiliates, and/or co-
conspirators, did one or more of the following acts for another or others, for or in expectation of
compensation: lease or rent or offer to lease or rent, or place for rent, or solicit listings of places
for rent, or solicit for prospective tenants, or collect rents from real property, or improvements
thereon, all of which requires a real estate license under Section 10131(b) of the code, when

ORDER TO DESIST AND REFRAIN

1 GARY ALAN WHITEHEAD was not licensed by the Department to conduct such activities, in
2 violation of Section 10130 of the Code.


3 DESIST AND REFRAIN ORDER

4 Based on the Findings of Fact and Conclusions of Law stated herein:

5 GARY ALAN WHITEHEAD, whether doing business under his own name, any
6 other name, or any fictitious name, IS HEREBY ORDERED to immediately desist and refrain
7 from performing any acts within the State of California for which a real estate broker license is
8 required, and in particular, doing one or more of the following acts for another or others, for or in
9 expectation of compensation: lease or rent or offer to lease or rent, or place for rent, or solicit
10 listings of places for rent, or solicit for prospective tenants, or collect rents from real property, or
11 improvements thereon, or engage in rental property management activities of any kind
12 whatsoever unless and until GARY ALAN WHITEHEAD obtains a real estate broker license
13 issued by the Department.

14 DATED: May 28, 2019.

15
16 DANIEL J. SANDRI
17 ACTING REAL ESTATE COMMISSIONER

18 
19
20

21 cc: GARY ALAN WHITEHEAD
22 8430 Via Sonoma, Unit 49
23 La Jolla, California 92037

24 **Notice:** California Business and Professions Code section 10139 provides, "Any person acting
25 as a real estate broker or real estate salesperson without a license or who advertises using words
26 indicating that he or she is a real estate broker without being so licensed shall be guilty of a
27 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)."

ORDER TO DESIST AND REFRAIN