

1 Department of Real Estate
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2 Los Angeles, California 90013-1105
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FILED

FEB 25 2020

DEPT. OF REAL ESTATE

By

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

10 To:) DRE No. H-05130 SD
11)
12 BLACK BEANS AND CRACKERS, INC.,) ORDER TO DESIST AND
MISSIONBEACHRENTALS.NET,) REFRAIN
13 MISSION BEACH RENTALS AND REAL ESTATE,)
MISSION BEACH RENTALS,) (B&P Code section 10086)
14 BRENDAN ERNEST HEATH, and)
LISA MARIE HEATH,)
Respondents.)
15)

16 The Commissioner ("Commissioner") of the California Department of Real Estate
17 ("Department") caused an investigation to be made of the activities of BLACK BEANS AND
18 CRACKERS, INC., MISSIONBEACHRENTALS.NET, MISSION BEACH RENTALS AND
19 REAL ESTATE, MISSION BEACH RENTALS, BRENDAN ERNEST HEATH, and LISA
20 MARIE HEATH fka Lisa Marie Rotner (collectively "Respondents"). Based on that
21 investigation the Commissioner has determined that Respondents, while using the fictitious
22 business names including, but not limited to, MISSIONBEACHRENTALS.NET, MISSION
23 BEACH RENTALS AND REAL ESTATE and MISSION BEACH RENTALS, have engaged
24 in or are engaging in acts or practices constituting violations of the California Business and

1 Professions Code ("Code"), including engaging in the business of, acting in the capacity of,
2 advertising, or assuming to act, as real estate brokers in the State of California within the
3 meaning of Section 10131, subdivision (b), of the Code (leasing or renting or offering to lease
4 or to rent or soliciting for prospective tenants for rentals exceeding 30 days or collecting rents
5 from real property or improvements thereon). Based on the findings of that investigation, as set
6 forth below, the Commissioner hereby issues the following Findings of Fact and Desist and
7 Refrain Order pursuant to Section 10086 of the Code.

8 Whenever acts referred to below are attributed to Respondents, those acts are alleged to
9 have been done by BRENDAN ERNEST HEATH and LISA MARIE HEATH, acting by
10 themselves or by and/or through one or more agents, associates, affiliates, co-conspirators,
11 and/or other names or fictitious names unknown at this time.

12 All references to the "Code" are to the California Business and Professions Code, all
13 references to the "Real Estate Law" are to Part 1 of Division 4 of the Code, and all references to
14 "Regulations" are to the Regulations of the Real Estate Commissioner, Title 10, Chapter 6,
15 California Code of Regulations.

16 FINDINGS OF FACT

17 1. On or about November 14, 2005, the Department issued a real estate corporation
18 license to Respondent BLACK BEANS AND CRACKERS, INC. ("BBCI"), License ID
19 01519351.

20 2. Respondent BBCI was formerly licensed to do business as "Mission Beach
21 Rentals and Real Estate" and "MissionBeachRentals.Net."

22 3. Respondent BBCI's real estate license expired on November 23, 2017, and has not
23 been renewed.

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1 4. On or about September 14, 2005, the Department issued a real estate broker
2 license to Respondent BRENDAN ERNEST HEATH, License ID 01702461.

3 5. Respondent BRENDAN ERNEST HEATH'S real estate license shall expire on
4 July 17, 2022.

5 6. Respondent BRENDAN ERNEST HEATH is not licensed by the Department to
6 conduct business under any fictitious business names.

7 7. On or about October 14, 2003, the Department issued a real estate salesperson
8 license to Respondent LISA MARIE HEATH, License ID 01400957.

9 8. Respondent LISA MARIE HEATH'S real estate license expired on November 11,
10 2011, and has not been renewed.

11 9. BBCI is a corporation formed in California on or about July 15, 2005.
12 BRENDAN ERNEST HEATH and LISA MARIE HEATH are officers for BBCI. LISA
13 MARIE HEATH is a director for BBCI.

14 10. From the period following the expiration of BBCI's real estate license on
15 November 13, 2017, through the present, Respondents have continued to solicit, offer, and
16 perform property management activities for others, including, but not limited to, leasing or
17 renting or offering to lease or to rent or soliciting for prospective tenants for rentals exceeding
18 30 days, or collecting rents from real property or improvements thereon. Said acts fall within
19 the purview of Code section 10131, subdivision (b).

20 11. From November 13, 2017 through the present, Respondents have offered to
21 perform property management services for long-term rentals exceeding 30 days on their
22 website: missionbeachrentals.net.

23 12. Long term rentals exceeding 30 days are not "transient occupancies" and property
24 management activities for long term rentals are not exempt from licensing requirements under

1 Code section 10131.01.

2 CONCLUSIONS OF LAW

3 Based on the information contained in Findings of Fact, Paragraphs 1 through 12 above,
4 Respondents BLACK BEANS AND CRACKERS, INC., MISSIONBEACHRENTALS.NET,
5 MISSION BEACH RENTALS AND REAL ESTATE, MISSION BEACH RENTALS,
6 BRENDAN ERNEST HEATH, and LISA MARIE HEATH, acting by themselves, or by and/or
7 through one or more agents, associates, affiliates, and/or co-conspirators, did one or more of the
8 following acts for another or others, for or in expectation of compensation: lease or rent or offer
9 to lease or rent, or place for rent, or solicit listings of places for rent, or solicit for prospective
10 tenants for rentals exceeding 30 days, or collect rents from real property, or improvements
11 thereon, all of which requires a real estate license under Section 10131, subdivision (b), of the
12 Code, when Respondents were not licensed by the Department to conduct such activities, in
13 violation of Section 10130 of the Code.

14 DESIST AND REFRAIN ORDER

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

16 Respondents BLACK BEANS AND CRACKERS, INC., MISSION BEACH
17 RENTALS AND REAL ESTATE, MISSIONBEACHRENTALS.NET, MISSION BEACH
18 RENTALS, BRENDAN ERNEST HEATH, and LISA MARIE HEATH, whether doing
19 business under their own names, any other names, or any fictitious business names including,
20 but not limited to, MISSION BEACH RENTALS AND REAL ESTATE, MISSION BEACH
21 RENTALS, and MISSIONBEACHRENTALS.NET, ARE HEREBY ORDERED to
22 immediately desist and refrain from performing any acts within the State of California for which
23 a real estate broker license is required, and in particular, doing one or more of the following acts
24 for another or others, for or in expectation of compensation: lease or rent or offer to lease or rent,

1 or place for rent, or solicit listings of places for rent, or solicit for prospective tenants for rentals
2 exceeding 30 days, or collect rents from real property, or improvements thereon, or engage in
3 rental property management activities of any kind whatsoever unless and until Respondents
4 obtain a real estate broker license issued by the Department.

5 DATED: 2/5/20, 2020.

6
7 Acting Real Estate Commissioner

8 

9 SANDRA KNAUS

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11 **Notice:** Business and Professions Code section 10139 provides that "Any person acting as a
12 real estate broker or real estate salesperson without a license or who advertises using words
13 indicating that he or she is a real estate broker without being so licensed shall be guilty of a
14 public offense punishable by a fine not exceeding twenty thousand dollars (\$20,000), or by
15 imprisonment in the county jail for a term not to exceed six months, or by both fine and
16 imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars
17 (\$60,000)."

18 cc: Black Beans and Crackers, Inc.
19 Mission Beach Rentals and Real Estate/Mission Beach Rentals/MissionBeachRentals.net
20 Brendan Ernest Heath
21 Lisa Marie Heath
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23
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