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DEPT. OF REAL ESTATE

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of:)	
)	DRE No. H-05151 SD
<u>CANTER BROKERAGE, INC.;</u>)	
JUSTIN ANTHONY DECESARE,)	
individually and as former designated)	
officer of Canter Brokerage, Inc.;)	
WARREN L. SHARKEY;)	
JEFFREY CHARLES GRAHN,)	
Respondents.)	

DECISION

This Decision is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on September 4, 2020, and the Findings of Fact set forth herein, which are based on one or more of the following: (1) The express admissions of Respondent, CANTER BROKERAGE, INC. ("Respondent"); (2) affidavits; and (3) other evidence.

This Decision revokes one or more real estate licenses on the grounds of the violation of the Real Estate Law, Part 1 commencing with Section 10000 of the Business and Professions Code ("Code") and/or the Regulations of the Real Estate Commissioner, Title 10, Chapter 6 of the California Code of Regulations ("Regulations").

Pursuant to Government Code Section 11521, the California Department of Real Estate ("the Department") may order reconsideration of this Decision on petition of any party. The party seeking reconsideration shall set forth new facts, circumstances, and evidence, or errors in law or analysis, that show(s) grounds and good cause for the Commissioner to reconsider the Decision. If new evidence is presented, the party shall specifically identify the new evidence and explain why it was not previously presented. The Department's power to order reconsideration of this Decision shall expire 30 days after mailing of this Decision, or on the effective date of this Decision, whichever occurs first. The right to reinstatement of a revoked real estate license, or to the reduction of a penalty, is controlled by Section 11522 of the Government Code. A copy of Government Code Sections 11521 and 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of respondent.

FINDINGS OF FACT

1.

On April 30, 2020, Veronica Kilpatrick made the Accusation in her official capacity as a Supervising Special Investigator of the Department. The Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified mail, return receipt requested, to Respondent's last known mailing address on file with the Department on May 19, 2020.

On September 4, 2020, no Notice of Defense having been received or filed herein within the time prescribed by Section 11506 of the Government Code, Respondent's default was entered herein.

2.

Respondent is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the Code as a corporate real estate broker.

3.

At all times mentioned, Respondent was licensed and/or had licensing rights issued by the Department of Real Estate as a real estate broker.

4.

At all times mentioned, in the State of California, Respondent acted as a real estate broker, conducting licensed activities within the meaning of Code Section 10131, subdivision (a) (sells, buys, or negotiates the purchase, sale or exchange of real property) and subdivision (b) (leases or rents or offers to lease or rent, or places for rent, or solicits listings of places for rent, or solicits for prospective tenants, or negotiates the sale, purchase, or exchange of leases on real property).

5.

Attached as Exhibit "A" is a true and correct copy of the Accusation filed on May 19, 2020, which is incorporated herein as part of this Decision.

DETERMINATION OF ISSUES

6.

The allegations contained in the Accusation, incorporated herein by reference made in Paragraph 5, above, constitute cause for the suspension or revocation of all the licenses, license endorsements, and license rights of Respondent under the provisions of Sections 10137, 10177(d), and or 10177(g) of the Business and Professions Code.

7.

The standard of proof applied was clear and convincing evidence to a reasonable certainty.

ORDER

All licenses and licensing rights of Respondent CANTER BROKERAGE, INC. under the provisions of Part I of Division 4 of the Business and Professions Code are revoked.

This Decision shall become effective at 12 o'clock noon on DEC 10 2020.

DATED: 10.20.20.

DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER

Douglas R. McCauley

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SEP - 4 2020

DEPT. OF REAL ESTATE

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1 Department of Real Estate
1651 Exposition, Blvd.
2 Sacramento, CA, 95815

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9 **STATE OF CALIFORNIA**

10 * * *

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)	
12 <u>CANTER BROKERAGE, INC.,</u>)	
13 JUSTIN ANTHONY DECESARE,)	
individually and as former designated)	<u>DEFAULT ORDER</u>
14 officer of Canter Brokerage, Inc.;)	
15 WARREN L. SHARKEY;)	
JEFFREY CHARLES GRAHN,)	
)	As to Respondent Canter Brokerage, Inc.
16 Respondents.)	only
)	
)	

18 Respondent CANTER BROKERAGE, INC., having failed to file a Notice of
19 Defense within the time required by Section 11506 of the Government Code, is now in
20 default. It is, therefore, ordered that a default be entered on the record in this matter.

21 IT IS SO ORDERED SEP 4 2020

22
23 DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER

24
25 By: 
26 SANDRA KNAU
Assistant Commissioner, Administration
27 and Licensing