

*Santo*

1 DEPARTMENT OF REAL ESTATE  
2 320 West Fourth Street, Ste. 350  
3 Los Angeles, California 90013  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

**FILED**  
JUN 25 2021  
DEPT. OF REAL ESTATE  
By *[Signature]*

STATE OF CALIFORNIA  
DEPARTMENT OF REAL ESTATE

To: )  
) NO. H-05229 SD  
) DAN BENDER and )  
) VACATION OWNERS ) ORDER TO DESIST AND  
) CONSULTING GROUP LLC ) REFRAIN  
) (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 DAN BENDER ("BENDER") and VACATION OWNERS CONSULTING GROUP LLC ("VACATION OWNERS"). Based on that investigation, the Commissioner has determined that BENDER and VACATION OWNERS have engaged in, are engaging in, or are attempting to engage in, acts or practices constituting violations of the California Business and Professions Code (Code), including the business of, acting in the capacity of, and/or advertising or assuming to act as a real estate broker in the State of California within the meaning of Section 10131(a) (sells or offers to sell, buys or offers to buy, solicits prospective sellers or buyers of, solicits or obtains listings of, or negotiates the purchase, sale, or exchange of real property or a business opportunity) of the Code. Furthermore, based on the investigation, the Commissioner hereby

1 issues the following Findings of Fact, Conclusions of Law, and Desist and Refrain Order under  
2 the authority of Section 10086 of the Code.

3 Whenever acts referred to below are attributed to BENDER and VACATION  
4 OWNERS, those acts are alleged to have been done by BENDER and VACATION OWNERS,  
5 acting by themselves, or by and/or through one or more agents, associates, affiliates, and/or  
6 co-conspirators.

### 7 FINDINGS OF FACT

8 1. BENDER and VACATION OWNERS are not now, and have never been,  
9 licensed by the Department in any capacity.

10 2. On or about March 10, 2020, BENDER and VACATION OWNERS operated  
11 a website at <http://vacationocg.com>, through which BENDER and VACATION OWNERS  
12 solicited one or more of the following acts for another or others, for or in expectation of  
13 compensation: sells or offers to sell, buys or offers to buy, solicits prospective sellers or buyers  
14 of, solicits or obtains listings of, or negotiates the purchase, sale, or exchange of real property or  
15 a business opportunity. On the "About" page of the website, BENDER and VACATION  
16 OWNERS wrote, "Our goal is to help existing timeshare find answers on how to protect their  
17 credit and control their financial obligations. In addition, we show potential new buyers how  
18 they can enjoy vacations in all RCI timeshare resorts, without having to buy a timeshare."

#### 19 N. and T. Hagenbaugh Transaction

20 3. On or about January 17, 2017, N. and T. Hagenbaugh ("Hagenbaughs")  
21 entered into Florida Vacation Villa Club / Vacation Owners Consulting Group LLC  
22 Membership Agreement & Consumer Note and paid \$8,948 to BENDER and VACATION  
23 OWNERS. BENDER and VACATION OWNERS provided to the Hagenbaughs a Notice to  
24 Buyer that stated in part, "If you decide to cancel, you must notify the CLUB in writing of your  
25 intent to cancel by returning the membership certificate and sending notice to Vacation Owners  
26 Consulting Group - 1947 Camino Vida Roble Suite 101 Carlsbad, CA 92008 by  
27 phone 760-444-4187, certified mail, or hand delivery by midnight of the third business day."

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

CONCLUSIONS OF LAW

4. Based on the findings of fact contained in Paragraphs 1 through 3, BENDER and VACATION OWNERS, acting by themselves, or by and/or through one or more agents, associates, affiliates, and/or co-conspirators, including other names or fictitious names unknown at this time, sold or offered to sell, bought or offered to buy, solicited prospective sellers or buyers of, solicited or obtained listings of, or negotiated the purchase, sale, or exchange of real property or a business opportunity, which acts require a real estate broker license under Section 10131(a) of the Code, during a period of time when BENDER and VACATION OWNERS were not licensed by the Department as a real estate broker, in violation of Section 10130 of the Code.

DESIST AND REFRAIN ORDER

Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW stated herein, it is hereby ordered that DAN BENDER and VACATION OWNERS CONSULTING GROUP LLC, whether doing business under their own names, or any other names or fictitious names, ARE HEREBY ORDERED to immediately desist and refrain from performing any acts within the State of California for which a real estate broker license is required.

DATED:     Ce. 16. 21    

Real Estate Commissioner

  
DOUGLAS R. McCAULEY

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

1

2

3

4

5

cc:

**DAN BENDER**  
1947 Camino Vida Roble Suite 101  
Carlsbad, CA 92008

6

7

8

**VACATION OWNERS CONSULTING GROUP LLC**  
1947 Camino Vida Roble Suite 101  
Carlsbad, CA 92008

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27