

FILED

JUL 20 2010

DEPARTMENT OF REAL ESTATE

R. Henry

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8 STATE OF CALIFORNIA
9 DEPARTMENT OF REAL ESTATE

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11 To:) NO. H-5431 SAC
12)
13 JAY CECCATO) ORDER TO DESIST AND REFRAIN
14) (B & P Code Section 10086)

15 The Commissioner (Commissioner) of the California Department of Real Estate
16 (Department) caused an investigation to be made of the activities of JAY CECCATO
17 (CECCATO). Based on that investigation, the Commissioner has determined that CECCATO
18 has engaged in, is engaging in, or is attempting to engage in, acts or practices constituting
19 violations of the California Business and Professions Code (the Code) and/or Title 10, Chapter
20 6, California Code of Regulations (the Regulations), including the business of, acting in the
21 capacity of, and/or advertising or assuming to act as, a real estate broker in the State of
22 California within the meaning of Section 10131(b) (performing services for landlords in
23 connection with management of their real property) of the Code.

24 Whenever acts referred to below are attributed to CECCATO, those acts are
25 alleged to have been done by CECCATO, acting by himself, or by and/or through one or more
26 agents, associates, affiliates, and/or co-conspirators, and using the names "All Phase Property
27 Management", or other names or fictitious names unknown at this time.

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FINDINGS OF FACT

1. At no time during the last three years from the date of this order has CECCATO been licensed by the Department as a real estate salesperson or real estate broker.

2. During the period of time set out below, CECCATO, while employed by or acting on behalf of one or more of the related entities, leased or rented, solicited places for rent, solicited prospective tenants, collected rents from tenants on properties owned by landlords on behalf of Code 3 Management or All Phase Property Management, including but not limited to certain real property known as 6306 Surfside, Sacramento, California.

3. While working for Jonathan Gregg Burgess, a licensed real estate broker doing business as Code 3 Property Management, CECCATO collected rent from the tenants at 6306 Surfside, Sacramento, California.

4. Without the knowledge of David Grandstaff, the owner of 6306 Surfside, or Burgess, CECCATO opened his own bank account under the name of Code 3 Management, into which he deposited at least 3 rent checks from the tenants at 6306 Surfside.

5. On April 22, 2009, CECCATO terminated his relationship with Burgess after Burgess warned CECCATO to cease unlicensed activity.

6. Sometime thereafter, CECCATO started his own company, called All Phase Property Management. For four months, Mack J. C. McBeth acted as the broker for All Phase Property Management.

7. On June 1, 2009, without the knowledge of the property owner or McBeth, CECCATO collected a rent check from the tenant at 6306 Surfside and deposited it into his own bank account.

CONCLUSIONS OF LAW

8. Based on the findings of fact contained in paragraphs 1 through 7, CECCATO, acting by himself, or by and/or through one or more of the related entities, or other names or fictitious names unknown at this time, leased or rented, solicited places for rent, solicited prospective tenants, collected rents from tenants and ordered repairs on properties

1 owned by landlords on behalf of Code 3 Property Management and All Phase Property
2 Management, including, but not limited to certain real property known as 6306 Surfside,
3 Sacramento, California, which acts require a real estate broker license under Sections 10131(b)
4 of the Code.

5 DESIST AND REFRAIN ORDER

6 Based on the Findings of Fact and Conclusions of Law stated herein, you JAY
7 CECCATO, whether doing business under your own name, or any other name or fictitious
8 name, or by and/or through one or more of the entities, ARE HEREBY ORDERED to
9 immediately Desist and Refrain from:

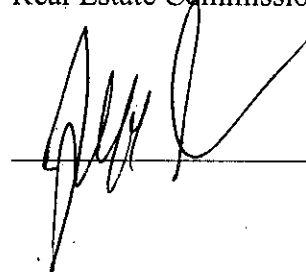
10 (i) leasing, renting, soliciting places for rent, soliciting prospective tenants,
11 collecting rents from tenants and ordering repairs on properties owned by landlords, unless and
12 until you demonstrate and provide evidence satisfactory to the Commissioner that you are
13 properly licensed by the Department as a real estate broker, and that you have:

14 (i) placed all previously collected funds into a trust account for that
15 purpose and are in compliance with Section 10146 of the Code; and

16 (ii) provided an accounting to trust fund owner-beneficiaries of all trust
17 funds received, pursuant to Section 2972 of the Regulations.

18 DATED: 7/7, 2010

19 JEFF DAVI
20 Real Estate Commissioner

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1 NOTICE

2 Business and Professions Code Section 10139 provides that, "Any person acting
3 as a real estate broker or real estate salesperson without a license or who advertises using words
4 indicating that he or she is a real estate broker without being so licensed shall be guilty of a
5 public offense punishable by a fine not exceeding twenty thousand dollars (\$20,000), or by
6 imprisonment in the county jail for a term not to exceed six months, or by both fine and
7 imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars
8 (\$60,000)..."

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