

1 DEPARTMENT OF REAL ESTATE  
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FILED

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DEPARTMENT OF REAL ESTATE

By K. Mar

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

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11 To: )  
12 ) NO. H-5486 SAC  
13 DARA LYNN BATTISTA )  
14 and NIKKI BATTISTA. ) ORDER TO DESIST AND REFRAIN  
) (B&P Code Section 10086)

15 The Real Estate Commissioner (Commissioner) of the State of California has  
16 caused an investigation to be made of the activities of DARA LYNN BATTISTA  
17 (D. BATTISTA), and NIKKI BATTISTA (N. BATTISTA) including engaging in the business  
18 of, acting in the capacity of, advertising, or assuming to act as a real estate broker in the State of  
19 California within the meaning of Section 10131(b) of the California Business & Professions  
20 Code (the Code). Based upon the findings of that investigation, as set forth below, the  
21 Commissioner has determined and is of the opinion that N. BATTISTA, has violated Section  
22 10130 of the Code by engaging in the business of or acting as a real estate salesperson or broker,  
23 within the meaning of Sections 10130 (act as a real estate broker or salesman without a license)  
24 and 10131(b) (engaging in property management activities) of the Code without first having  
25 obtained a real estate license from the California Department of Real Estate (Department) and  
26 that D. BATTISTA has employed and or compensated N. BATTISTA to perform acts which  
27 require a Real Estate License, in violation of Section 10137 and or Section 10138 of the Code.

1 Whenever acts referred to below are attributed to D. BATTISTA, those acts are alleged to have  
2 been done by D. BATTISTA, acting by itself, or by and/or through one or more agents,  
3 associates, and/or co-conspirators, and using other names, including Rentals of Tahoe, or  
4 fictitious names unknown at this time (the related entities).

5 FINDINGS OF FACT

6 1. At all times mentioned herein, D. BATTISTA was licensed by the  
7 Department as a real estate broker dba Rentals of Tahoe.

8 2. At no time mentioned herein was N. BATTISTA, licensed by the  
9 Department as a real estate broker or real estate salesperson, as appropriate.

10 3. At all times mentioned herein between on or about July 17, 2010 and  
11 continuing up to at least August 20, 2010, N. BATTISTA engaged in the business of, acted in  
12 the capacity of, or assumed to act as a real estate broker within the State of California within the  
13 meaning of Section 10131(b) of the Code, including leasing, renting, or offering places to rent,  
14 negotiating the sale or purchase of leases of real property or collecting rents on real property for  
15 compensation or in expectation of compensation, including but not limited to real property, all  
16 located in Tahoe City, California and commonly known as: 3693 Larch, 2458 Alma, 2777  
17 Alma, 1242 Tata, 2975 Sacramento, 3441 Janet, 558 Krout, 3749 Larch, 3317 Marlette, 1084  
18 Craig, 1223 Bonanza, #12, 1968 Brule, 1934 D Street, 1205 Martin, 3863 Pioneer, 2528 Armita,  
19 4085 Pine, 1381 Glenwood, 1254 Margette, 2162 West Way, 1202 Sierra, 1027 Glen, 3596  
20 Mackedre, 847 Placer, 1020 Washoan, 3610 Forest, 3533 Deer, 3693 Larch, 3617 Terry, #23,  
21 3604 Terry, 3672 Aspen, 1956 Colsa, 1161 Herbert, 942 Poplar, 1069 Sierra, 960 Lakeview,  
22 1832 Gautas, 1458 Apache, 1254 Margette, 3773 Forest, 709 Tata, 743 Tata, 3581 Bill, 2332  
23 Sky Meadows, 1843 Reykoon, 1073 Elmwood, 4055 Manzanantia, 3344 Sandy Way, 930  
24 Modesto, 2284 Eloiese, 1438 Chennapiro; 2528 Knox, 1068 Margery, 1017 Sheperd and 1140  
25 Herbet.

26 4. On or about July 22, 2010, until the present, D. BATTISTA hired  
27 N. BATTISTA to engage in the business of, acted in the capacity of, or assumed to act as a real

1 estate broker within the State of California within the meaning of Section 10131(b) of the Code,  
2 including those acts described above, in Paragraph 3.

3 CONCLUSIONS OF LAW

4 5. Based on the findings of fact contained in paragraphs 1 through 3,  
5 D. BATTISTA, and N. BATTISTA, among other things, solicited and/or performed services for  
6 landlords, borrowers, including but not limited collecting rents and depositing the same into trust  
7 accounts, offering places to rent on behalf of landlords, for or in expectation of a compensation  
8 and claimed, demanded, charged, received, collected or contracted for an advance fee for such  
9 services. Thus, D. BATTISTA violated Section 10137 and or Section 10138 of the Code and  
10 N. BATTISTA violated Sections 10130 and 10131(b) of the Code.

11 DESIST AND REFRAIN ORDER

12 Now, therefore NIKKI BATTISTA IS HEREBY ORDERED to immediately  
13 desist and refrain from:

- 14 (1) Performing any and all acts within the State of California for which a real estate  
15 salesperson or broker license is required, unless and until he or she obtains a real  
16 estate salesperson or broker license;

17 Now, therefore DARA LYNN BATTISTA, her employees, agents, official  
18 successors and assigns, IS HEREBY ORDERED to immediately desist and refrain from:

- 19 (1) Employing and/or compensating unlicensed persons for performing acts which  
20 require a real estate license until those persons are properly licensed as real estate  
21 salespersons or real estate brokers.

22 DATED: 10/5/2010

23 JEFF DAVI  
24 Real Estate Commissioner

25  
26   
27 BY: Barbara J. Bigby  
Chief Deputy Commissioner

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)....”

9  
10 cc: DARA LYNN BATTISTA  
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12 South Lake Tahoe, CA 96150

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