

FILED

MAY 19 2011

DEPARTMENT OF REAL ESTATE

By J. Jones

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8 STATE OF CALIFORNIA

9 DEPARTMENT OF REAL ESTATE

10 To:)
11) NO. H-5606 SAC
12 TOP SERVICES MOUNT SHASTA,)
13 THOMAS S. BUWALDA, and) ORDER TO DESIST AND REFRAIN
14 JEANNE BUWALDA) (B&P Code Section 10086)

15 The Commissioner (hereinafter "Commissioner") of the California Department
16 of Real Estate (hereinafter "Department") caused an investigation to be made of the activities of
17 TOP SERVICES MOUNT SHASTA, THOMAS S. BUWALDA (hereinafter "THOMAS"), and
18 JEANNE BUWALDA (hereinafter "JEANNE"). Based on that investigation, the Commissioner
19 has determined that TOP SERVICES MOUNT SHASTA, THOMAS, and JEANNE have
20 engaged in, is engaging in, or is attempting to engage in, acts or practices constituting violations
21 of the California Business and Professions Code (hereinafter "the Code"), including the
22 business of, acting in the capacity of, and/or advertising or assuming to act as, a real estate
23 broker in the State of California within the meaning of Section 10131(b) (property management
24 services). Furthermore, based on the investigation, the Commissioner hereby issues the
25 following Findings of Fact, Conclusions of Law, and Desist and Refrain Order under the
26 authority of Section 10086 of the Code.

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2 FINDINGS OF FACT

3 1. At no time was TOP SERVICES MOUNT SHASTA licensed by the
4 Department in any capacity. TOP SERVICES MOUNT SHASTA is owned and operated by
5 THOMAS and JEANNE.

6 2. At no time were THOMAS and JEANNE licensed by the Department in
7 any capacity.

8 3. During the period of time set forth below, TOP SERVICES MOUNT
9 SHASTA, THOMAS, and JEANNE, on behalf of others, for compensation or in expectation of
10 compensation, leased or rented and offered to lease or rent, and solicited for prospective tenants
11 of real property or improvements thereon, and collected rents from real property or
12 improvements thereon.

13 4. TOP SERVICES MOUNT SHASTA, THOMAS, and JEANNE in the
14 course of the property management brokerage activities described above solicited prospective
15 clients via a website, www.mountshastarental.com. The website advertised vacation rentals
16 available for extended stays, and/or discounts for "longer stays" over 30 days; including, but not
17 limited to: the Pine Tree Lodge and the Shasta Star Retreat.

18 5. On May 28, 2010, JEANNE, solicited a Deputy Commissioner, using the
19 name "Debbie", as a prospective tenant for a vacation rental where the rental period would
20 exceed 30 days.

21 CONCLUSIONS OF LAW

22 6. Based on the findings of fact contained in Paragraphs 1 through 5, TOP
23 SERVICES MOUNT SHASTA, THOMAS, and JEANNE, have performed and/or participated
24 in property management activities which require a real estate license under Sections 10130 and
25 10131(b) of the Code during a period of time when TOP SERVICES MOUNT SHASTA,
26 THOMAS, and JEANNE was not licensed by the Department in any capacity.

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