	DEPARTMENT OF REAL ESTATE P. O. Box 187000 Sacramento, CA 95818-7000 Telephone: (916) 227-0789	
	STATE OF CALIFORNIA	
	DEPARTMENT OF REAL ESTATE	
1) NO. H-5606 SAC	
1	THOMAS S. BUWALDA, and ORDER TO DESIST AND REFRAIN	
י ו	JEANNE BUWALDA) (B&P Code Section 10086)	
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1	⁵ TOP SERVICES MOUNT SHASTA, THOMAS S. BUWALDA (hereinafter "THOMAS"), and	
1	JEANNE BUWALDA (hereinafter "JEANNE"). Based on that investigation, the Commissioner	
1	has determined that TOP SERVICES MOUNT SHASTA, THOMAS, and JEANNE have	
I	engaged in, is engaging in, or is attempting to engage in, acts or practices constituting violations	
2	of the California Business and Professions Code (hereinafter "the Code"), including the	
2	business of, acting in the capacity of, and/or advertising or assuming to act as, a real estate	
2	broker in the State of California within the meaning of Section 10131(b) (property management	
2	3 services). Furthermore, based on the investigation, the Commissioner hereby issues the	1
2	following Findings of Fact, Conclusions of Law, and Desist and Refrain Order under the	
2	⁵ authority of Section 10086 of the Code.	
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ł. 2 **FINDINGS OF FACT** 1. 3 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. 2. 6 At no time were THOMAS and JEANNE licensed by the Department in 7 any capacity. 3. 8 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 course of the property management brokerage activities described above solicited prospective 14 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 name "Debbie", as a prospective tenant for a vacation rental where the rental period would 19 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 10131(b) of the Code during a period of time when TOP SERVICES MOUNT SHASTA, 25 26 THOMAS, and JEANNE was not licensed by the Department in any capacity. 27 111

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1	DESIST AND REFRAIN ORDER
2	Based on the Findings of Fact and Conclusions of Law stated herein, you, TOP
3	SERVICES MOUNT SHASTA, THOMAS, and JEANNE, whether doing business under your
4	own name, or any other names or fictitious names, ARE HEREBY ORDERED to immediately
5	desist and refrain from performing any acts within the State of California for which a real estate
6	broker license is required. In particular, you are ordered to desist and refrain from soliciting or
7	providing or participating in property management services for others and for compensation,
8	unless and until you obtain a real estate broker license issued by the Department.
9	DATED: <u>5/12/11</u>
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· 11	BARBARA J. BIGBY Acting Real Estate Commissioner
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16	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
17	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
18	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
19	(\$60,000)."
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