

June 26, 2012

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DEPARTMENT OF REAL ESTATE
P. O. Box 187007
Sacramento, CA 95818-7007
Telephone: (916) 227-0789

DEPARTMENT OF REAL ESTATE

By L. Jones

STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

To:)	No. H-5845 SAC
DOMINIUM MANAGEMENT, LLC, and,)	
MICHAEL A. SILVA, an individual)	<u>ORDER TO DESIST AND REFRAIN</u>
Respondent.)	(B&P Code Section 10086)

The Commissioner of the California Department of Real Estate (hereinafter the "Department") caused an investigation to be made of the activities of DOMINIUM MANAGEMENT, LLC (hereinafter "DOMINIUM"), its members, subsidiaries, successors in interest, principals, and/or other entities or individuals unknown to the Department at this time and MICHAEL A. SILVA, acting as the representative of DOMINIUM (hereinafter "SILVA"). Based on the investigation, the Commissioner has determined DOMINIUM has engaged in, is engaging in, or is attempting to engage in, acts or practices constituting violations of the California Business and Professions Code (hereinafter "Code") and/or Title 10, Chapter 6, California Code of Regulations (hereinafter "Regulations"), including acting in the capacity of, advertising, or assuming to act as a corporate real estate broker in the State of California within the meaning of Section 10130 (License required to act in the capacity of a real estate broker or salesperson), Section 10131(b) (Broker license required to operate property management company for compensation or expectation of compensation regardless of the form or time of payment), and Section 10133 (a) (1) of the Code (Receipt or expectation of compensation for real property services rendered by a partner to a partnership or an officer of a corporation to a corporation beyond the receipt the officer's or partner's distribution of shared income or

1 expenses (“special compensation”) is not exempt from license requirements). Pursuant to
2 DOMINIUM’S management agreement, DOMINIUM, for special compensation or in
3 expectation of special compensation by or through SILVA as DOMINIUM’S representative,
4 DOMINIUM and SILVA are acting as a property manager for which a real estate license is
5 required.

6 Furthermore, based upon the investigation, the Commissioner hereby issues the
7 following Findings of Fact and Desist and Refrain Order under the authority of Section 10086 of
8 the Code.

9 FINDINGS OF FACT

10 1. At all times mentioned herein DOMINIUM was doing business as a limited
11 liability company and not as a corporate real estate broker. As a limited liability company
12 DOMINIUM was not and could not obtain a corporate real estate brokers license unless and until
13 DOMINIUM converted to a corporation licensed to conduct business within the State of
14 California, and, once incorporated, made application to the Department for a real estate brokers
15 license, and employed a corporate officer/supervising broker to oversee and supervise its real
16 estate activities.

17 2. At all times relevant herein SILVA, an expired salesperson licensee, was not
18 and is not licensed by the Department as a real estate broker.

19 3. Since, at least, September 29, 2005, and in violation of Section 10130, Section
20 10131(b) and Section 10133(a)(1) of the Code and Section 2728 of the Commissioner’s
21 Regulations, DOMINIUM and SILVA on behalf of DOMINIUM were acting as the property
22 manager for a commercial rental property commonly known as Oak Tree Plaza, 1300 East
23 Covell Blvd., Davis, California (“Oak Tree Plaza”) for or in expectation of special
24 compensation, by performing one or more of the following acts: leased or rented or offered to
25 lease or rent; solicited rental listings; solicited prospective tenants; negotiate the sale, purchase or
26 exchange of leases on real property or improvements thereon, or on a business opportunity;
27 collect rents from real property, or improvements thereon, or from business opportunities,

1 including, but not limited to, the following tenant:

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Tenant	Demised Address
Variety Donuts a.k.a. Pink Dozen	1300 East Covell Blvd., Suite D, Davis, California

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5 CONCLUSIONS OF LAW

6 4. Based upon the *Findings of Fact* contained in Paragraphs 1 through 3, above,
7 and in violation of Section 10130 (license required), Section 10131(b) (broker license required to
8 operate property management company), and Section 10133 (a) (1) (receipt or expectation of
9 special compensation requires a real estate license) of the Code, DOMINIUM and SILVA
10 performed and/or participated in property management activities for or in expectation of special
11 compensation which requires a real estate broker license during a period of time when
12 DOMINIUM was not licensed by the Department in any capacity and SILVA did not hold a
13 valid real estate broker license nor was licensed as DOMINIUM'S designated officer/broker.

14 DESIST AND REFRAIN ORDER

15 Based upon the Findings of Fact and Conclusions of Law stated herein,
16 DOMINIUM MANAGEMENT, LLC, ITS MEMBERS, EMPLOYEES, AGENTS,
17 SUCCESSORS AND ASSIGNS, ARE HEREBY ORDERED TO IMMEDIATELY DESIST
18 AND REFRAIN from performing any act within the State of California which requires a
19 California real estate license. In particular, to immediately desist and refrain from providing or
20 participating in property management services for others for or in expectation of special
21 compensation until and unless DOMINIUM has been incorporated and is issued a valid
22 corporate real estate brokers license by the California Department of Real Estate and a licensed
23 real estate broker has been appointed to act as its designated officer/broker.

24 In addition, based upon the Findings of Fact and Conclusions of Law stated
25 herein, MICHAEL A. SILVA, individually and/or acting as the agent for DOMINIUM, IS
26 HEREBY ORDERED TO IMMEDIATELY DESIST AND REFRAIN from performing any act
27 within the State of California which requires a real estate license. In particular, to immediately

1 desist and refrain from providing or participating in property management services for
2 compensation or in expectation of special compensation until SILVA obtains a valid real estate
3 brokers license issued by the California Department of Real Estate.

4 DATED: June 15, 2012

5 REAL ESTATE COMMISSIONER

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8 By WAYNE S. BELL
9 Chief Counsel

10 **-NOTICE-**

11 Business and Professions Code Section 10139 provides that, "Any person acting
12 as a real estate broker or real estate salesperson without a license or who advertises using words
13 indicating that he or she is a real estate broker without being so licensed shall be guilty of a
14 public offense punishable by a fine not exceeding twenty thousand dollars (\$20,000), or by
15 imprisonment in the county jail for a term not to exceed six months, or by both fine and
16 imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars
17 (\$60,000)...."

18 cc: Michael Silva
19 7 Roma Ct
20 Sacramento, CA 95831

21 Dominion Management, LLC
22 Miguel Silva, Agent for Service of Process
23 4660 Natomas Blvd Ste 120-75
24 Sacramento, CA 95835
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