

1 DEPARTMENT OF REAL ESTATE  
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FILED

DEC 21 2012

DEPARTMENT OF REAL ESTATE

By B. Contreras

8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

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11 TO: ) NO. H-5931 SAC  
12 )  
12 THE KING OF HOMES. ) ORDER TO DESIST AND REFRAIN  
13 ) (B&P Code Section 10086)  
13 )

14 The Real Estate Commissioner (Commissioner) of the California Department of  
15 Real Estate (Department) caused an investigation to be made of the activities of THE KING OF  
16 HOMES (KOH). Based on that investigation, the Commissioner has determined that KOH has  
17 engaged in, is engaging in, or is attempting to engage in, acts or practices constituting violations  
18 of the California Business and Professions Code (Code) including acting in the capacity of,  
19 advertising, or assuming to act as a real estate broker in the State of California within the  
20 meaning of Sections 10131(a) (sales) and (b) (property management services) of the Code.  
21 Furthermore, based on the investigation, the Commissioner hereby issues the following  
22 Findings of Fact and Desist and Refrain Order under the authority of Section 10086 of the Code.

23 FINDINGS OF FACT

- 24 1. At no time herein mentioned has KOH been licensed in any capacity by the  
25 Department.  
26 2. Between about December 22, 2009 and August 22, 2011, KOH negotiated to  
27 do one or more of the following acts for another or others, for or in expectation of compensation:

1 sell or offer to sell, purchase or offer to purchase, solicit prospective sellers and purchasers,  
2 solicit or obtain listings of, or negotiate the purchase, sale or exchange of real property or a  
3 business opportunity; lease or rent or offer to lease or rent; place for rent; solicit listings of places  
4 for rent; solicit for prospective tenants; negotiate the sale, purchase or exchange of leases on real  
5 property, or on a business opportunity; collect rents from real property, or improvements thereon,  
6 or from business opportunities.

7 3. At all times mentioned herein, KOH and its unlicensed employees solicited  
8 prospective sellers and purchasers, solicited listings or obtained listings, through the KOH  
9 website in order to negotiate the sale and purchase of the following properties, during a time  
10 when KOH did not possess a real estate broker license, in violation of Section 10130 (licensed  
11 activity) of the Code:

<u>Property</u>	<u>Close of Escrow Date</u>	<u>Commission</u>
Helen Ct., Santa Cruz, CA	3/8/10	\$14,575
Croxtan Way, Sacramento, CA	5/24/10	\$2,850
Osuna Way, Sacramento	7/16/10	\$5,375
Blue Rapids Dr., Folsom, CA	7/28/10	\$6,375
Montoya, Sacramento CA	8/18/10	\$4,825
Canvasback Cir., Lincoln, CA	9/20/10	\$5,625
Deseret, Fair Oaks, CA	3/23/11	\$3,225
Wintermist Ct., Sacramento, CA	5/2/11	\$5,100
Kenneth Ave, Carmichael, CA	8/22/11	\$1,555

21 4. At all times mentioned herein, KOH and its unlicensed employees, solicited  
22 prospective sellers and purchaser or solicited listings and negotiated Relocation Assistance  
23 Agreements (herein "cash for keys") with tenants, received the cash for keys payments (herein  
24 "trust funds") on behalf of the tenants, and disbursed said trust funds to the tenants, in violation  
25 of Section 10130 of the Code:

<u>Tenant</u>	<u>Property</u>	<u>Date</u>	<u>Amount</u>
Ann C.	Blue Rapids Drive Folsom, CA	12/22/09	\$4,000

(Continued)	<u>Tenant</u>	<u>Property</u>	<u>Date</u>	<u>Amount</u>
	John D.	Farrington Lane Lincoln, CA	2/18/10	\$4,000
	David O.	Croxtton Way Sacramento, CA	2/25/10	\$4,000
	Kristy V.	Montoya Sacramento, CA	2/17/10	\$3,000
	Daren & Zenita K.	Montoya Sacramento, CA	3/30/10	\$4,070

### CONCLUSIONS OF LAW


5. Based on the Findings of Fact contained in Paragraphs 1 through 4, KOH performed and/or participated in property sales and management activities which require a real estate broker license under Section 10130 of the Code during a period of time when KOH was not licensed in any capacity by the Department.

### DESIST AND REFRAIN ORDER

Based upon the Findings of Fact and Conclusions of Law stated herein, THE KING OF HOMES IS HEREBY ORDERED to immediately Desist and Refrain from performing any acts within the State of California for which a real estate broker license is required, and in particular, to immediately Desist and Refrain from providing or participating in property sales and management services for others for compensation unless and until THE KING OF HOMES obtains an appropriate license issued by the Department.

DATED: 12/12, 2012

Real Estate Commissioner

  
By WAYNE S. BELL  
Chief Counsel

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