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FILED
DEC 07 2023
DEPARTMENT OF REAL ESTATE
By J. Taggart

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 To:)
12 MARLENE SOMERVILLE) NO. H-7294 SAC
13) ORDER TO DESIST AND REFRAIN
14) (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 MARLENE SOMERVILLE
17 (SOMERVILLE), including engaging in the business of, acting in the capacity of, advertising, or
18 assuming to act as a real estate broker in the State of California within the meaning of Section
19 10131(b) of the California Business & Professions Code (the Code). Based upon the findings of
20 that investigation, as set forth below, the Commissioner has determined and is of the opinion
21 that:

22 SOMERVILLE has violated Section 10130 of the Code by engaging in the
23 business of or acting as a real estate salesperson or broker, within the meaning of Sections 10130
24 (act as a real estate broker or salesman without a license) and 10131(b) (engaging in property
25 management activities) without first having obtained a real estate license from the California
26 Department of Real Estate (Department).
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1 FINDINGS OF FACT

2 1. At no time within the last three years was SOMERVILLE licensed by the
3 Department as a real estate salesperson or real estate broker.

4 2. On or about April 24, 2023, complainant Myrtle T. , the owner of 1680
5 Spring Court, executed a Durable Financial Power of Attorney (DFPOA), designating
6 SOMERVILLE as Attorney in Fact. On May 30, 2023, Myrtle T. revoked the DFPOA.

7 3. At all times mentioned herein, continuing up to at least October 1,
8 2023, SOMERVILLE engaged in the business of, acted in the capacity of, or assumed to act as
9 a real estate broker within the State of California within the meaning of Section 10131(b) of the
10 Code, including leasing, renting, or offering places to rent, negotiating the sale or purchase of
11 leases of real property or collecting rents on real property for compensation or in expectation of
12 compensation, including but not limited to that certain real property commonly known as 1680
13 Spring Court, Tracy, California.

14 CONCLUSIONS OF LAW

15 3. Based on the findings of fact contained in paragraphs 1 through 3, above,
16 SOMERVILLE, among other things, solicited and/or performed services for landlords, borrowers,
17 including but not limited collecting rents and depositing the same into trust accounts, offering
18 places to rent on behalf of landlords, for or in expectation of a compensation and claimed,
19 demanded, charged, received, collected or contracted for a fee for such services. Thus, MA
20 violated Sections 10130 and 10131(b) of the Code.

21 DESIST AND REFRAIN ORDER

22 Now, therefore MARLENE SOMERVILLE IS HEREBY ORDERED to
23 immediately desist and refrain from performing any and all acts within the State of California for
24 which a real estate license is required, unless and until she obtains a real estate salesperson or
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broker license, as appropriate.

DATED: 12/4/23

REAL ESTATE COMMISSIONER
DOUGLAS R. McCAULEY

Stew L
for Doug McCauley

-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 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 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 (\$60,000). . . .”