

1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 187000
3 Sacramento, CA 95818-7000
4
5 Telephone: (916) 227-0789
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FILED
MAR - 6 2002

DEPARTMENT OF REAL ESTATE

By *Kathleen Contreras*

8 BEFORE THE
9 DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

12 To:

13 RUSSELL LAMAR MERRITT, and
14 TRANSBAY REALTY &
15 DEVELOPMENT CORPORATION.
16

NO. H-8064 SF

ORDER TO DESIST & REFRAIN
(B&P §10086)

17 The Real Estate Commissioner of the State of
18 California has determined from the findings herein set forth
19 below that you, RUSSELL LAMAR MERRITT, have violated Section
20 10130 of the California Business and Professions Code
21 (hereafter the Code) by engaging in the business of a real
22 estate broker within the State of California without a real
23 estate license; and that you, TRANSBAY REALTY & DEVELOPMENT
24 CORPORATION, have violated Section 10137 of the Code by
25 employing and/or compensating RUSSELL LAMAR MERRITT for
26 engaging in conduct that requires a real estate license.

27 ///

1 I

2 Effective November 25, 1996, the Real Estate
3 Commissioner revoked the real estate broker license of you,
4 RUSSELL LAMAR MERRITT (hereafter MERRITT), based upon grounds
5 for disciplinary action under Sections 490, 498, 10177(a), and
6 10177(b) of the Code.

7 II

8 At no time herein mentioned after November 25, 1996,
9 were you, MERRITT, licensed by the Department of Real Estate of
10 the State of California (hereafter the Department) as a real
11 estate broker, individually, or doing business under any
12 fictitious business name.

13 III

14 At most times herein mentioned, you, TRANSBAY REALTY
15 AND DEVELOPMENT CORPORATION (hereafter TRANSBAY), were licensed
16 by the Department as a real estate broker corporation, and have
17 license rights. On or about January 30, 2001, said license
18 expired subject to the right of late renewal thereof.

19 IV

20 You, MERRITT, were and are an officer, director, and
21 shareholder of TRANSBAY, and directed and controlled its
22 operations.

23 V

24 During a period of time commencing in at least
25 October of 1999, you, MERRITT and TRANSBAY, engaged in the
26 business and acted in the capacity of a real estate broker in
27 California within the meaning of Section 10131(a) of the Code,

1 for or in expectation of compensation, wherein you sold or
2 offered to sell, bought or offered to buy, solicited
3 prospective sellers or purchasers of, and/or negotiated the
4 purchase, sale or exchange of real property, as more
5 particularly described below, including but not limited to the
6 following:

7 (a) 523 Head Street, San Francisco, California;

8 (b) 210-212 Plymouth Avenue, San Francisco,
9 California;

10 VI

11 On or about October 13, 1999, you, MERRITT and
12 TRANSBAY, engaged in negotiations on behalf of Turner
13 Washington regarding his real property known as and located at
14 523 Head Street, San Francisco, California, to resolve a
15 dispute with his daughter regarding title and ownership of the
16 property.

17 VII

18 In the course of said negotiations, you, MERRITT and
19 TRANSBAY, negotiated the sale, transfer, or exchange of
20 Washington's property to one Leamond (Leamon) C. McGriff.

21 VIII

22 In or about November of 1999, you, TRANSBAY,
23 negotiated the sale of real property known as and located at
24 210-212 Plymouth Avenue, San Francisco, California, on behalf
25 of the owner Dora Glass, by and through a licensed real estate
26 agent, Clarence Connelly.

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IX

In or about January of 2000, upon the death of said agent, you, MERRITT, continued to negotiate the sale of the Plymouth Avenue property. On or about March 17, 2000, you, MERRITT and TRANSBAY, negotiated an acceptance and contract to sell the property to buyer Mut Investment Incorporated on certain terms and conditions.

X

On or about April 27, 2000, you, MERRITT and TRANSBAY, negotiated the sale of the Plymouth Avenue property from Glass to another buyer, Helen Shaw.

XI

The acts and services performed by you, MERRITT and TRANSBAY, as described above are acts and services that require a California real estate broker license under the provisions of Section 10131 of the Code.

XII

You, MERRITT, have violated Section 10130 of the Code by engaging in the activities described above without first obtaining a real estate broker license from the Department.

XIII

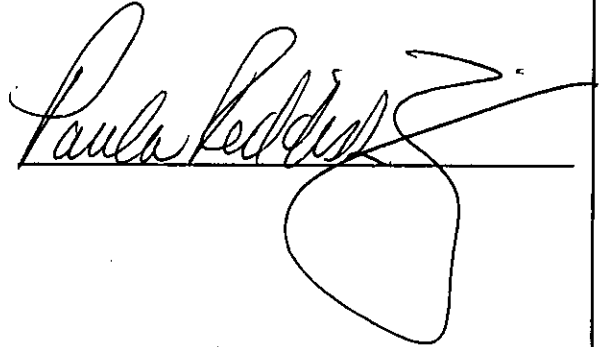
You, TRANSBAY, have violated Section 10137 of the Code by employing and/or compensating MERRITT for engaging in conduct that requires a real estate license.

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1 NOW, THEREFORE, YOU, RUSSELL LAMAR MERRITT, and you,
2 TRANSBAY REALTY AND DEVELOPMENT CORPORATION, your employees,
3 agents, successors and assigns, ARE HEREBY ORDERED TO DESIST AND
4 REFRAIN from performing any and all acts for which a real estate
5 broker license is required until such time as you may obtain the
6 required license from the Department.

7 DATED: January 15, 2002.

9 PAULA REDDISH ZINNEMANN
10 Real Estate Commissioner

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13
14

15 cc: RUSSELL LAMAR MERRITT
16 241 Capitol Avenue
17 San Francisco, CA 94112

18 RUSSELL LAMAR MERRITT
19 P. O. Box 12249
20 San Francisco, CA 94112

21 TRANSBAY REALTY &
22 DEVELOPMENT CORPORATION
23 Attention: Hayes D. Miles
24 241 Capitol Avenue
25 San Francisco, CA 94112
26

27 ATTY/DLJ