

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

FILED
MAY - 7 2002

DEPARTMENT OF REAL ESTATE

By *Kathleen Contreras*

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

11 * * *

12 To:)
13 LDM ENTERPRISES, INC.,) NO. H-8113 SF
14 dba CONDOLINK,) ORDER TO DESIST & REFRAIN
15 LINDA EILEEN MILLER, and) (B&P §10086)
16 ANDREW BERQUIST.)

17 The Real Estate Commissioner of the State of California
18 has determined from the findings set forth below that you,
19 LDM ENTERPRISES, INC., individually and doing business as
20 CONDOLINK, and you, LINDA EILEEN MILLER, have violated Section
21 10130 of the California Business and Professions Code (hereafter
22 the Code) by engaging in the business of a real estate broker
23 and/or an advance fee operator within the State of California
24 without a California real estate broker license; and that you,
25 LDM ENTERPRISES, INC., individually and doing business as
26 CONDOLINK, and you, LINDA EILEEN MILLER, and ANDREW BERQUIST,
27 have violated Section 10085 of the Code and Section 2970 of

1 Title 10, California Code of Regulations (hereafter the
2 Regulations), by claiming, demanding, charging, receiving, or
3 collecting advance fees from California residents for listing,
4 advertising, or offering to sell or lease real property
5 consisting of timeshare intervals, without first having the
6 agreements and materials used in such transactions approved by
7 the State of California Department of Real Estate (hereafter the
8 Department).

9 I

10 At no time herein mentioned were you, LDM ENTERPRISES,
11 INC., individually and doing business as CONDOLINK, licensed by
12 the Department as a real estate broker corporation, or as a
13 fictitious business name of a duly licensed California real
14 estate broker.

15 II

16 At no time herein mentioned were you, LINDA EILEEN
17 MILLER, licensed by the Department as a real estate broker, a
18 designated broker officer of a licensed real estate broker
19 corporation, or a real estate salesperson.

20 III

21 At all times herein mentioned, you, ANDREW BERQUIST,
22 were licensed by the Department as a real estate broker. In or
23 about February of 2000, you entered into an agreement
24 with LDM ENTERPRISES, INC., individually and doing business as
25 CONDOLINK, and with LINDA EILEEN MILLER to act as an agent on
26 their behalf with respect to transactions involving a California
27 real property, buyer, or seller, for or in expectation of

1 compensation, including the amounts of \$40 per listing contract
2 and 40% (percent) of net commissions at closings.

3 IV

4 Whenever reference is made in an allegation herein to
5 an act or omission of "you", such allegation shall be deemed to
6 mean that you, LDM ENTERPRISES, INC., individually and doing
7 business as CONDOLINK, you, LINDA EILEEN MILLER, and you, ANDREW
8 BERQUIST, and/or your officers, directors, employees, and/or
9 agents employed by or associated with you, committed such act or
10 omission while engaged in the furtherance of your business or
11 operations and while acting within the course and scope of the
12 authority and employment.

13 V

14 During a period of time from at least June of 1999,
15 you, LDM ENTERPRISES, INC., individually and doing business as
16 CONDOLINK, and you, LINDA EILEEN MILLER, and from at least
17 February of 2000, you, ANDREW BERQUIST, have engaged in the
18 business and acted in the capacity of a real estate broker and/or
19 advance fee operator in California within the meaning of Section
20 10131 and/or Section 10131.2 of the Code, for or in expectation
21 of compensation, regardless of form or time of payment, wherein
22 you have:

23 (a) Offered to sell or buy, solicited prospective
24 sellers or purchasers of, solicited or obtained listings of, or
25 negotiated the purchase, sale or exchange of real property
26 consisting of timeshare intervals under Section 10131(a) of the
27 Code; and/or

1 (b) Offered to lease or rent, or placed for
2 rent, or solicited listings of places for rent, or solicited
3 for prospective tenants, or negotiated the sale, purchase
4 or exchange of leases on real property consisting of timeshare
5 intervals under Section 10131(b) of the Code; and/or

6 (c) Claimed, demanded, charged, received,
7 collected, or contracted for the collection of an advance fee
8 for your services as specified in subsections (a) and/or (b)
9 above by advance fee listing, advertisement or offer to sell,
10 lease, exchange or rent real property consisting of timeshare
11 intervals under Section 10131.2 of the Code.

12 VI

13 During a period of time from at least June of 1999,
14 you, LDM ENTERPRISES, INC., individually and doing business as
15 CONDOLINK, and you, LINDA EILEEN MILLER, and from at least
16 February of 2000, you, ANDREW BERQUIST, solicited and
17 conducted business with the California public, including but
18 not limited to sellers and purchasers of timeshare real
19 property. You solicited them to purchase or retain your
20 business services as described above, including but not
21 limited to advertisements and dissemination of information on
22 the World Wide Web on the Internet, with an address of
23 *www.condolink.com*. Your website at the above address contains
24 solicitations, rental listings, sale listings, and
25 advertisements as alleged above. Said conduct constitutes
26 acts for which a California real estate broker license is
27 required.

VII

In connection with the above business, you have claimed, demanded, and charged for the collection of an advance fee for the above services, including but not limited to the following transactions:

CALIFORNIA RESIDENT	DATE	PROPERTY	ADVANCE FEE
Harvey & Micki Avedon	June, 1999	Wavecrest Resort Unit 4A Del Mar, CA	\$699
Margaret & LeRoy Colby	July, 2001	Thunderbird Resort Club, Sparks, NV	\$289
Lance & Carol Galloway	September, 2001	Sands of Kahana, Lahaina, HI	\$799
Tom & Karol Gilles	August, 1999	Pueblo Bonito Resort, Mazatlan, MX	\$349
Arlene & Michael Serrano	July, 1999	Paradise Village Spa Resort, Nuevo Vallarta, MX	\$335
Roger GilChrist	August, 1999	Lodge at Lake Tahoe, South Lake Tahoe, CA	\$699
Pat & Aracele Villapudua	2001	White Sands Waikiki Resort, Honolulu, HI	\$799
George Holtz	2001	Paradise Village Spa Resort, Nuevo Vallarta, MX	\$799
Wendy Lyon	2001	Club de Soleil Las Vegas, NV	\$350
Leon Hall	August, 2001	Tahoe Seasons-Heavenly Valley, South Lake Tahoe, CA	\$699

1 VIII

2 In connection with the above business, including but
3 not limited to the above transactions, you made use of written
4 materials, including but not limited to advertisements and
5 agreements. In addition to lack of proper licensure, you failed
6 to obtain approval from the Department for all materials used by
7 you to advertise, promote, solicit and negotiate agreements for
8 the above advance fees as required by Section 10085 of the Code
9 and Section 2970 of the Regulations.

10 IX

11 You, LDM ENTERPRISES, INC., individually and doing
12 business as CONDOLINK, and you, LINDA EILEEN MILLER have violated
13 Section 10130 of the Code by engaging in the activities described
14 above without first obtaining a real estate broker license.

15 X

16 You, LDM ENTERPRISES, INC., individually and doing
17 business as CONDOLINK, and you, LINDA EILEEN MILLER, and ANDREW
18 BERQUIST, have violated Section 10085 of the Code and Section
19 2970 of the Regulations by engaging in the activities described
20 above without first obtaining approval from the Department for
21 all materials used by you to advertise, promote, solicit and
22 negotiate agreements for advance fees.

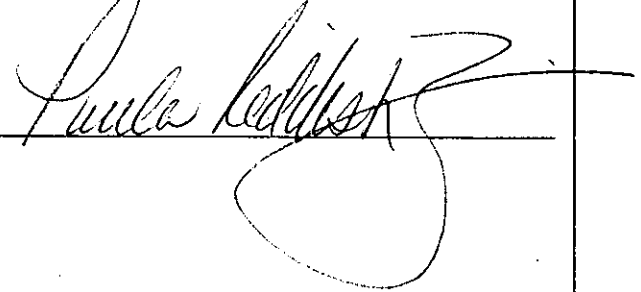
23 NOW, THEREFORE, YOU, LDM ENTERPRISES, INC.,
24 individually and doing business as CONDOLINK, AND YOU, LINDA
25 EILEEN MILLER, AND YOUR OFFICERS, DIRECTORS, AGENTS, EMPLOYEES,
26 SUCCESSORS AND ASSIGNS, ARE HEREBY ORDERED TO DESIST AND REFRAIN
27 from performing any and all acts for which a California real

1 estate license is required unless and until such time as you may
2 obtain the required license(s) from the Department.

3 NOW THEREFORE, YOU, LDM ENTERPRISES, INC., individually
4 and doing business as CONDOLINK, AND YOU, LINDA EILEEN MILLER,
5 ANDREW BERQUIST, AND YOUR OFFICERS, DIRECTORS, AGENTS, EMPLOYEES,
6 SUCCESSORS AND ASSIGNS, ARE FURTHER ORDERED TO DESIST AND REFRAIN
7 from claiming, demanding, charging, receiving, collecting, and/or
8 contracting for the collection of an advance fee for your
9 services as specified above unless and until such time as you
10 have obtained approval from the Department for all advance fee
11 materials proposed to be used by you in advertising, promoting,
12 soliciting and negotiating any advance fee agreements with the
13 public.

14
15 DATED: March 28, 2002

16
17 PAULA REDDISH ZINNEMANN
Real Estate Commissioner

18
19 
20
21

22 cc: LDM ENTERPRISES, INC.
dba CONDOLINK
23 LINDA EILEEN MILLER
7811 L Street, Suite 120
24 Omaha, NE 68127

25 ANDREW BERQUIST
999 C. Edgewater Boulevard
26 Suite 702
Foster City, CA 94404

27 ATTY/DLJ