

II

Respondent TRANSBAY REALTY AND DEVELOPMENT CORPORATION was licensed and/or had license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code as a real estate broker corporation. Said license expired on January 30, 2001, subject to the right of late renewal thereof for two years. The Accusation having been timely filed, jurisdiction is retained for purposes of this proceeding pursuant to Section 10103 of the Business and Professions Code.

III

Effective November 25, 1996, the Real Estate Commissioner revoked the real estate broker license of RUSSELL LAMAR MERRITT (hereafter MERRITT), based upon grounds for disciplinary action under Sections 490, 498, 10177(a), and 10177(b) of the Code. At no time herein mentioned after November 25, 1996, was MERRITT licensed by the Department as a real estate broker, individually, corporately, or doing business under any fictitious business name.

IV

At most times herein mentioned, MERRITT was an officer, director, and shareholder of TRANSBAY, and directed and controlled its operations.

V

During a period of time commencing in at least October of 1999, MERRITT and TRANSBAY engaged in the business and acted in the capacity of a real estate broker in California within the meaning of Section 10131(a) of the Code, for or in expectation of compensation, wherein MERRITT and TRANSBAY sold or offered to sell, bought or offered to buy, solicited prospective sellers or purchasers of, and/or negotiated the purchase, sale or exchange of real property, as more particularly described below, including but not limited to the following:

- (a) 523 Head Street, San Francisco, California; and
- (b) 210-212 Plymouth Avenue, San Francisco, California.

VI

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

VII

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

VIII

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

IX

In or about January of 2000, upon the death of said agent, MERRITT and TRANSBAY continued to negotiate the sale of the Plymouth Avenue property. On or about March 17, 2000, 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, MERRITT and TRANSBAY negotiated the sale of the Plymouth Avenue property from Glass to another buyer, Helen Shaw.

XI

On or about December 1, 1994, pursuant to the provisions of Section 23302 of the California Revenue and Taxation Code, the corporate powers, rights and privileges of TRANSBAY were suspended by the California Secretary of State.

XII

Subsequent to the above suspension, TRANSBAY continued to conduct business as alleged in the First Cause of Action above for which a real estate license is required, which cause of action is incorporated herein by this reference.

DETERMINATION OF ISSUES

I

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

II

By reason of the above acts and/or omissions, TRANSBAY has violated Section 10137 of the Code by employing and/or compensating MERRITT for engaging in conduct that requires a real estate license.

III

The suspension of the corporate powers of TRANSBAY by the State of California would have been grounds for the denial of TRANSBAY's real estate license under Section 2742 of Title 10, California Code of Regulations (hereafter the Regulations), and constitutes grounds for disciplinary action as to TRANSBAY under Section 10177(f) of the Code.

IV

The conduct by TRANSBAY of business for which a real estate license is required subsequent to the suspension of its corporate powers by the State of California violates Section 2742(c) of the Regulations and constitutes grounds for disciplinary action under Section 10177(d) of the Code.

V

The standard of proof applied is clear and convincing proof to a reasonable certainty.

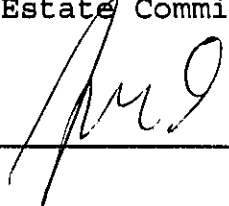
ORDER

The real estate license(s) and license rights of Respondent TRANSBAY REALTY AND DEVELOPMENT CORPORATION under the provisions of Part I of Division 4 of the Business and Professions Code are hereby revoked.

This Decision shall become effective at 12 o'clock noon on October 25, 2005.

DATED: 9-20-05

JEFF DAVI
Real Estate Commissioner



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

FILED
JAN 30 2003

DEPARTMENT OF REAL ESTATE

By: *Patricia Conteras*

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

11 * * *

12 In the Matter of the Accusation of)
13 TRANSBAY REALTY AND)
14 DEVELOPMENT CORPORATION,)
15 Respondent.)

NO. H-8207 SF
DEFAULT ORDER

16 Respondent, TRANSBAY REALTY AND DEVELOPMENT
17 CORPORATION, having failed to file a Notice of Defense within the
18 time required by Section 11506 of the Government Code, is now in
19 default. It is therefore ordered that a default be entered on
20 the record in this matter.

21 IT IS SO ORDERED *January 29, 2003.*

22 PAULA REDDISH ZINNEMANN
23 Real Estate Commissioner

24
25 By:

Steven J. Ellis
26 STEVEN J. ELLIS
27 Regional Manager

1 DEIDRE L. JOHNSON, COUNSEL
2 Department Of Real Estate
3 P. O. Box 187000
4 Sacramento, CA 95818-7000

FILED
OCT 11 2002

5 Telephone: (916) 227-0789

DEPARTMENT OF REAL ESTATE

By *Kathleen Contreras*

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 TRANSBAY REALTY AND) NO. H-8207 SF
13 DEVELOPMENT CORPORATION.) ACCUSATION
14 Respondent.)

15 The Complainant, LES R. BETTENCOURT, a Deputy Real
16 Estate Commissioner of the State of California, for causes of
17 Accusation against TRANSBAY REALTY AND DEVELOPMENT CORPORATION,
18 is informed and alleges as follows:

19 PRELIMINARY ALLEGATIONS

20 I

21 The Complainant, LES R. BETTENCOURT, a Deputy Real
22 Estate Commissioner of the State of California, makes this
23 Accusation against Respondent in his official capacity and not
24 otherwise.

25 II

26 Respondent TRANSBAY REALTY AND DEVELOPMENT CORPORATION
27 (hereafter TRANSBAY) is presently licensed and/or has license

1 rights under the Real Estate Law, Part 1 of Division 4 of
2 the California Business and Professions Code (hereafter the
3 Code).

4 III

5 At most times herein mentioned, TRANSBAY was licensed
6 by the Department of Real Estate of the State of California
7 (hereafter the Department) as a real estate broker corporation.
8 On or about January 30, 2001, said license expired subject to the
9 right of late renewal thereof for two years.

10 IV

11 Effective November 25, 1996, the Real Estate
12 Commissioner revoked the real estate broker license of RUSSELL
13 LAMAR MERRITT (hereafter MERRITT), based upon grounds for
14 disciplinary action under Sections 490, 498, 10177(a), and
15 10177(b) of the Code. At no time herein mentioned after
16 November 25, 1996, was MERRITT licensed by the Department as a
17 real estate broker, individually, corporately, or doing business
18 under any fictitious business name.

19 V

20 At most times herein mentioned, MERRITT was an officer,
21 director, and shareholder of TRANSBAY, and directed and
22 controlled its operations.

23 FIRST CAUSE OF ACTION

24 VI

25 During a period of time commencing in at least October
26 of 1999, MERRITT and TRANSBAY engaged in the business and acted
27 in the capacity of a real estate broker in California within the

1 meaning of Section 10131(a) of the Code, for or in expectation of
2 compensation, wherein MERRITT and TRANSBAY sold or offered to
3 sell, bought or offered to buy, solicited prospective sellers or
4 purchasers of, and/or negotiated the purchase, sale or exchange
5 of real property, as more particularly described below, including
6 but not limited to the following:

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

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

9 VII

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

15 VIII

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

19 IX

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

25 X

26 In or about January of 2000, upon the death of said
27 agent, MERRITT and TRANSBAY continued to negotiate the sale of

1 the Plymouth Avenue property. On or about March 17, 2000,
2 MERRITT and TRANSBAY negotiated an acceptance and contract to
3 sell the property to buyer Mut Investment Incorporated on certain
4 terms and conditions.

5 XI

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

9 XII

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

14 XIII

15 By reason of the above acts and/or omissions, TRANSBAY
16 has violated Section 10137 of the Code by employing and/or
17 compensating MERRITT for engaging in conduct that requires a real
18 estate license.

19 SECOND CAUSE OF ACTION

20 XIV

21 On or about December 1, 1994, pursuant to the
22 provisions of Section 23302 of the California Revenue and
23 Taxation Code, the corporate powers, rights, and privileges of
24 TRANSBAY were suspended by the California Secretary of State.

25 XV

26 Subsequent to the above suspension, TRANSBAY continued
27 to conduct business as alleged in the First Cause of Action above

1 for which a real estate license is required, which cause of
2 action is incorporated herein by this reference.


3 XVI

4 Said suspension would have been grounds for the denial
5 of TRANSBAY's real estate license under Section 2742 of Title 10,
6 California Code of Regulations (hereafter the Regulations), and
7 constitutes grounds for disciplinary action as to TRANSBAY under
8 Section 10177(f) of the Code.

9 XVII

10 The subsequent conduct by TRANSBAY of business for
11 which a real estate license is required as alleged above violates
12 Section 2742(c) of the Regulations and constitutes grounds for
13 disciplinary action under Section 10177(d) of the Code.

14 WHEREFORE, Complainant prays that a hearing be
15 conducted on the allegations of this Accusation and that upon
16 proof thereof a decision be rendered imposing disciplinary
17 action against all licenses and license rights of Respondent
18 under the Real Estate Law (Part 1 of Division 4 of the Business
19 and Professions Code), and for such other and further relief as
20 may be proper under other provisions of law.

21
22
23 
24 LES R. BETTENCOURT
25 Deputy Real Estate Commissioner

26 Dated at Oakland, California,
27 this 3rd day of October, 2002.