

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

FILED

JUL 15 2011

DEPARTMENT OF REAL ESTATE

By K. Contreras

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusations of)	
)	
PERFORMANCE PROPERTY)	FILE NO. H-10003 SF
MANAGEMENT, INC., a Corporation, and)	and
KENDRA GAIL HOLLOWAY,)	FILE NO. H-10146 SF
)	
Respondents.)	

DISMISSAL

The Accusation Filed on May 7, 2007, in File No. H-10003 SF, and the Accusation Filed on August 30, 2007, in File No. H-10146 SF, and their Default Orders dated January 30, 2008, is DISMISSED. Respondents' license rights expired October 11, 2010.

IT IS SO ORDERED 7/1, 2011.

BARBARA J. BIGBY
Acting Real Estate Commissioner

Barbara J. Bigby

1 DANIEL E. KEHEW, Counsel (SBN 231550)
Department of Real Estate
2 P. O. Box 187007
Sacramento, CA 95818-7007

3 Telephone: (916) 227-0789
4 -or- (916) 227-0425 (Direct)

FILED
MAY -7 2007

DEPARTMENT OF REAL ESTATE

By K. Contreras

5
6
7
8 BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

9 * * *

10 In the Matter of the Accusation of)
11 PERFORMANCE PROPERTY) H-10003 SF
MANAGEMENT, INC., and)
12 KENDRA GAIL HOLLOWAY) ACCUSATION
13 Respondents.)

14 The Complainant, E. J. HABERER II, a Deputy Real Estate
15 Commissioner of the State of California, for cause of Accusation
16 against PERFORMANCE PROPERTY MANAGEMENT, INC. (hereinafter "PPM")
17 and KENDRA GAIL HOLLOWAY (hereinafter "HOLLOWAY"), is informed
18 and alleges as follows:

19 I

20 Complainant, E. J. HABERER II, a Deputy Real Estate
21 Commissioner of the State of California, makes this Accusation
22 against Respondent in his official capacity and not otherwise.

23 II

24 Respondents PPM and HOLLOWAY are presently licensed
25 and/or have license rights under the Real Estate Law, Part 1 of
26 Division 4 of the California Business and Professions Code
27 hereinafter "Code").

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

III

At all times herein mentioned, Respondent PPM was and now is licensed by the Department of Real Estate of the State of California (hereinafter "the Department") as a corporate real estate broker. At all times mentioned herein since October 12, 2004, the license of Respondent PPM has been and now is a restricted corporate real estate broker license, subject to terms, conditions, and restrictions pursuant to Sections 10156.6 and 10156.7 of the Code. At all times mentioned herein to and until September 12, 2005, Respondent PPM was so licensed by and through Respondent HOLLOWAY as designated officer-broker of Respondent PPM, to qualify said corporation to act for said corporation as a real estate broker. On September 12, 2005, Respondent HOLLOWAY's license to act as a real estate broker for and on behalf of Respondent PPM was cancelled and has not been reinstated or replaced by the license of any other designated broker-officer. At no time mentioned herein since September 13, 2005, has there been any real estate broker licensed to act as a real estate broker for and on behalf of Respondent PPM as designated officer broker.

IV

At all times herein mentioned, Respondent HOLLOWAY was and now is licensed by the Department as a real estate broker, individually and, until September 12, 2005, as designated officer-broker of Respondent PPM. As said designated officer-broker, Respondent HOLLOWAY was at all times mentioned herein until September 12, 2005, responsible pursuant to Section 10159.2

1 of the Code for the supervision of the activities of the officers,
2 agents, real estate licensees, and employees of Respondent PPM
3 for which a license is required. At all times mentioned herein
4 since October 12, 2004, the license of Respondent HOLLOWAY has
5 been and now is a restricted real estate broker license subject
6 to terms, conditions, and restrictions pursuant to Sections
7 10156.6 and 10156.7 of the Code.

8 V

9 Whenever reference is made in a allegation in this
10 Accusation to an act or omission of Respondent PPM, such
11 allegation shall be deemed to mean that the officers, directors,
12 employees, agents and/or real estate licensees employed by or
13 associated with Respondent PPM committed such act or omission
14 while engaged in the furtherance of the business or operations
15 of such corporate Respondent and while acting within the course
16 and scope of their authority and employment.

17 VI

18 On or about September 12, 2004, restricted real estate
19 broker licenses were issued to Respondents PPM and HOLLOWAY on the
20 terms, conditions and restrictions set forth in the Real Estate
21 Commissioner's Order of August 11, 2004, in Case No. H-8682 SF.

22 VII

23 Included in said terms, conditions, and restrictions,
24 Respondents were required to pay, within 45 days of receiving an
25 invoice therefor, the Commissioner's reasonable cost, not to
26 exceed \$9,109.52, for an audit to determine if Respondents have
27 corrected certain specified trust fund violations.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27


VIII

Respondents have failed and continue to fail to comply with the requirement described in Paragraph VII, above.

IX

The facts alleged above are grounds for the suspension or revocation of Respondents' licenses and license rights under Section 10177(k) of the Code.

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



E. J. HABERER II
Deputy Real Estate Commissioner

Dated at Oakland, California
this 19th day of April, 2007.