

1 DEPARTMENT OF REAL ESTATE

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FILED

AUG 28 2009

DEPARTMENT OF REAL ESTATE

By K. Contreras

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

11 \* \* \*

12 TO:

13 BERNIE G. YANEZ-PASTOR, and  
14 LYNNE A. THOMPSON.

)  
) NO. H- 10762 SF

) ORDER TO DESIST AND REFRAIN  
) (B&P Code Section 10086)  
)  
)  
)

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17 The Commissioner (Commissioner) of the California Department of Real Estate  
18 (Department) caused an investigation to be made of the activities of BERNIE G. YANEZ-  
19 PASTOR (YANEZ-PASTOR) and LYNNE A. THOMPSON (THOMPSON). Based on that  
20 investigation, the Commissioner has determined that YANEZ-PASTOR and THOMPSON have  
21 engaged in, are engaging in, or are attempting to engage in, acts or practices constituting  
22 violations of the California Business and Professions Code (Code) and/or Title 10, Chapter 6,  
23 California Code of Regulations (Regulations) including acting in the capacity of, advertising, or  
24 assuming to act as a real estate broker in the State of California within the meaning of Code  
25 Section 10131(b) (property management services). Furthermore, based on the investigation, the  
26 Commissioner hereby issues the following Findings of Fact and Desist and Refrain Order under  
27 the authority of Code Section 10086.

1 FINDINGS OF FACT

2 1. At no time herein mentioned has YANEZ-PASTOR been licensed by the  
3 Department in any capacity.

4 2. At no time herein mentioned has THOMPSON been licensed by the  
5 Department in any capacity.

6 3. During the periods of time set out below, YANEZ-PASTOR and  
7 THOMPSON negotiated to do one or more of the following acts for another or others, for or in  
8 expectation of compensation: lease or rent or offer to lease or rent; place for rent; solicit listings  
9 of places for rent; solicit for prospective tenants; negotiate the sale, purchase or exchange of  
10 leases on real property, or on a business opportunity; collect rents from real property, or  
11 improvements thereon, or from business opportunities.

12 4. On or about October 11, 2007, YANEZ-PASTOR entered into a Property  
13 Management Agreement, representing himself as "Broker/OWNER" of Town & Country Real  
14 Estate Mgmt, Inc., with Renee S. and Frank Quinn (herein "the Quinn's") to act as their broker  
15 from October 11, 2007 and September 30, 2008, to rent the Quinn's real property located at  
16 556 Jackson Avenue, Redwood City, CA 94061.

17 5. Between about December 1, 2007 and about February 1, 2008, YANEZ-  
18 PASTOR and THOMPSON changed the terms of tenancy of the following tenants:

<u>Date</u>	<u>Tenant(s)</u>	<u>Property Address</u>
12/1/07	Mark P. Verkhovski Mariam Verkhovski	8 Karen Court Burlingame, CA 94010
12/1/07	Leonzio E. Pescoran	524 E. Hillsdale Ct, #1 San Mateo, CA 94403
2/1/08	Kelsy Harwayne	3065 No. Main St., #1 Walnut Creek, CA 94596
2/1/08	Janelle Ingham	3065 No. Main St., #3 Walnut Creek, CA 94546

1 CONCLUSIONS OF LAW

2 6. Based on the Findings of Fact contained in Paragraphs 1 through 5, YANEZ-  
3 PASTOR and THOMPSON have performed and/or participated in property management  
4 activities which require a real estate license under Code Sections 10130 and 10131(b) during a  
5 period of time when YANEZ-PASTOR and THOMPSON were not licensed by the Department  
6 in any capacity.

7 DESIST AND REFRAIN ORDER

8  
9 Based upon the Findings of Fact and Conclusions of Law stated herein, you  
10 YANEZ-PASTOR and THOMPSON, ARE HEREBY ORDERED to immediately desist and  
11 refrain from performing any acts within the State of California for which a real estate broker  
12 license is required, and in particular, that you immediately desist and refrain from providing or  
13 participating in property management services for others and for compensation unless and until  
14 you, individually, obtain an appropriate license issued by the Department.

15  
16 DATED: 8/17, 2009  
17

18  
19  
20 By

  
JEFF DAVI

Real Estate Commissioner

21  
22 BY: Barbara J. Blgby  
Chief Deputy Commissioner

23 - NOTICE -

24 Business and Professions Code Section 10139 provides that, "Any person acting  
25 as a real estate broker or real estate salesperson without a license or who advertises using words  
26 indicating that he or she is a real estate broker without being so licensed shall be guilty of a  
27 public offense punishable by a fine not exceeding twenty thousand dollars (\$20,000), or by

1 imprisonment in the county jail for a term not to exceed six months, or by both fine and  
2 imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars  
3 (\$60,000) . . .”  
4

5 cc: BERNIE G. YANEZ-PASTOR  
6 1559 5<sup>th</sup> Avenue  
7 Belmont, CA 94002

8 LYNNE A. THOMPSON  
9 102 Challenge Court  
Foster City, CA 94404  
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