

1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 187007
3 Sacramento, CA 95818-7007
4 Telephone: (916) 227-0791

FILED

MAR 10 2010

DEPARTMENT OF REAL ESTATE

By K. Henry

9 STATE OF CALIFORNIA
10 DEPARTMENT OF REAL ESTATE

12 To:)
13) NO. H-10868 SF
14 THOR KAMAKA'ALA, individually,)
14 and doing business as) ORDER TO DESIST AND REFRAIN
15 LAKESHORE PROPERTIES) (B&P Code Section 10086)
16)

17 The Commissioner ("Commissioner") of the California Department of Real Estate
18 ("Department") caused an investigation to be made of the activities of THOR KAMAKA'ALA,
19 individually and doing business as LAKESHORE PROPERTIES (collectively referred to as
20 "THOR"). Based on that investigation, the Commissioner has determined that THOR,
21 individually and doing business as LAKESHORE PROPERTIES has engaged in, is engaging in,
22 or is attempting to engage in, acts or practices constituting violations of the California Business
23 and Professions Code (Code) and/or Title 10, Chapter 6, California Code of Regulations
24 (Regulations) including acting in the capacity of, advertising, or assuming to act as a real estate
25 broker in the State of California within the meaning of Section 10131(b) (representing clients in
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1 the capacity of a rental property manager) of the Code. Furthermore, based on the investigation,
2 the Commissioner hereby issues the following Findings of Fact and Desist and Refrain Order
3 under the authority of Section 10086 of the Code.

4 FINDINGS OF FACT

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6 1. On or about December 20, 2006, in Department of Real Estate Case Number
7 H-9826 SF, the Commissioner issued a Desist and Refrain Order ordering THOR and
8 LAKESHORE PROPERTIES to cease and desist all property management activities on the
9 grounds that THOR and LAKESHORE PROPERTIES were not licensed to conduct property
10 management activities in violation of Code Sections 10130 and 10131(b) of the Code.

11 2. On or about January 10, 2007, THOR acknowledged receipt of service of the
12 Desist and Refrain Order issued in Department of Real Estate case number H-9826 SF on behalf
13 of himself and LAKESHORE PROPERTIES.

14 3. At all times relevant herein THOR was not and is not licensed by the
15 Department of Real Estate to conduct activities which require a real estate license in California.

16 4. At least during the period of time set out below, THOR for or in expectation of
17 compensation: negotiated to do one or more of the following acts for another or others, for or in
18 expectation of compensation: soliciting and showing properties to prospective tenant, negotiating
19 rental terms, and preparing rental agreements on behalf of clients.

20 5. On or about March 6, 2009, Barbara Reynolds employed THOR to rent, lease,
21 operate and manage Reynolds' residential rental property located at 3024 Fruitvale Avenue,
22 Oakland, California 94602-2150. In connection with the contemplated representation Reynolds
23 paid to THOR the sum of \$1,500 as a retainer.

24 CONCLUSIONS OF LAW

25 6. Based on the findings of fact contained in paragraphs 1 through 5, above, of
26 THOR KAMAKA'ALA, individually and doing business as LAKESHORE PROPERTIES has
27 performed and/or participated in property management activities which require a real estate

1 license under Section 10131(b) of the Code during a period of time when THOR
2 KAMAKA'ALA, individually and doing business as LAKESHORE PROPERTIES were not
3 licensed by the Department in any capacity, in violation of Section 10130 of the Code.

4 7. Based on the Findings of Fact contained in Paragraphs 1 through 5, THOR
5 KAMAKA'ALA, individually and doing business as LAKESHORE PROPERTIES, charged,
6 demanded or collected advance fees for the services to be provided, without first submitting
7 advanced fee materials for approval to the Department as required by Section 10085 of the Code;
8 and claimed, demanded, charged, and/or collected advanced fees prior to a property owner's
9 obligation to pay THOR KAMAKA'ALA, individually and doing business as LAKESHORE
10 PROPERTIES for property management services to be rendered, all in violation of Section
11 10085.5(a)(2) of the Code.

12 DESIST AND REFRAIN ORDER

13 Based upon the findings of fact and conclusions of law stated herein, you THOR
14 KAMAKA'ALA, individually and doing business as LAKESHORE PROPERTIES are ordered
15 to immediately desist and refrain from performing any acts within the State of California for
16 which a real estate broker license is required, and in particular, that you are to immediately desist
17 and refrain:

18 1. from providing or participating in property management services for others
19 and for compensation and/or the expectation of compensation; and,

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