

1 DEPARTMENT OF REAL ESTATE  
2 P. O. Box 187007  
3 Sacramento, CA 95818-7007

4 Telephone: (916) 227-0789

**FILED**

MAR 18 2010

DEPARTMENT OF REAL ESTATE

By L. Frost

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 TO: )  
12 ) NO. H-10880 SF  
13 RICHARD ARDYN WALLACE )  
14 dba PACIFIC EQUITY AND CAPITAL ) ORDER TO  
and VINCENT TOMERA ) DESIST AND REFRAIN  
) (B&P Code Section 10086)

15  
16 The Real Estate Commissioner (Commissioner) of the State of California  
17 Department of Real Estate (Department) has caused an investigation to be made of your  
18 activities including engaging in the business of, acting in the capacity of, advertising, or  
19 assuming to act as a real estate broker in the State of California within the meaning of Section  
20 10131(a) and (d) of the California Business & Professions Code (the Code). Based upon the  
21 findings of that investigation, as set forth below, the Commissioner has determined, and is of  
22 the opinion that RICHARD ARDYN WALLACE (WALLACE) dba PACIFIC EQUITY-AND  
23 CAPITAL (PEC) has employed and/or compensated one or more unlicensed persons to act in  
24 the capacity of a real estate broker or salesperson in violation of Section 10137 of the Code  
25 (it is unlawful for a licensed real estate broker to employ a person to perform real estate duties  
26 who does not have a license).

27 ///

1 Based upon the findings of that investigation, the Commissioner has also  
2 determined, and is of the opinion that VINCENT TOMERA (TOMERA) has acted in the  
3 capacity of a real estate broker or salesperson without having first been licensed by the  
4 Department in any capacity, in violation of Section 10130 of the Code (it is unlawful for any  
5 person to engage in the business of a real estate salesperson or broker without a license).

6 . 1

7 In approximately 2006 through 2008, WALLACE employed and/or compensated  
8 TOMERA for performing acts which require a real estate license pursuant to Section 10131(a)  
9 of the Code (soliciting or negotiating the sale of real property) and/or Section 10131 (d) of the  
10 Code (soliciting or negotiating or loans secured by real property).

11 2

12 From approximately January 2006 through November 2008, TOMERA  
13 negotiated and arranged the purchase and sale of real property, and/or solicited and performed  
14 services for borrowers and/or lenders in connection with negotiating loans for the purchase of  
15 real property on behalf of WALLACE, including the purchase of a parcel known as APN # 511-  
16 73-010D, City of Eloy, Pinal County, Arizona by Mr. Ross.

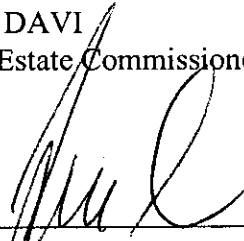
17 NOW, THEREFORE YOU, RICHARD ARDYN WALLACE, ARE ORDERED  
18 TO DESIST AND REFRAIN from employing and/or compensating any person for performing  
19 any acts which require a real estate license within the State of California unless and until that  
20 person has obtained from the Department a real estate broker or real estate salesperson license.

21 NOW, THEREFORE, YOU, VINCENT TOMERA, ARE HEREBY ORDERED  
22  
23  
24  
25  
26  
27

1 TO DESIST AND REFRAIN from performing any acts within the State of California for which  
2 a real estate broker license is required, unless and until you obtain a real estate broker license.

3 DATED: 2-24-10

4 JEFF DAVI  
5 Real Estate Commissioner

6  
7   
8

9 **Notice:** Business and Professions Code Section 10139 provides that "Any person acting as a  
10 real estate broker or real estate salesperson without a license or who advertises using words  
11 indicating that he or she is a real estate broker without being so licensed shall be guilty of a  
12 public offense."

13 cc: RICHARD ARDYN WALLACE  
14 1299 Fourth Street, Ste. 500  
15 San Rafael, CA 94901

16 VINCENT TOMERA  
17 1299 Fourth Street, Ste. 500  
18 San Rafael CA 94901

27