

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

4 Telephone: (916) 227-0789

FILED

AUG 24 2012

DEPARTMENT OF REAL ESTATE

By K. Contreras

8 STATE OF CALIFORNIA
9 DEPARTMENT OF REAL ESTATE

10 * * *

11 To:)
12) NO. H-11447 SF
13) ARTURO GARCIA SANCHEZ.)
14) ORDER TO DESIST AND REFRAIN
(B&P Code Section 10086)

15 The Real Estate Commissioner (Commissioner) of the California Department
16 of Real Estate (Department) caused an investigation to be made of the activities of ARTURO
17 GARCIA SANCHEZ (SANCHEZ) dba's "A S Property Management" and "A S Diversified
18 Investments, LLC." Based on that investigation, the Commissioner has determined that
19 SANCHEZ has engaged in, is engaging in, or is attempting to engage in, acts or practices
20 constituting violations of the California Business and Professions Code (Code) including acting
21 in the capacity of, advertising, or assuming to act as a real estate broker in the State of California
22 within the meaning of Code Section 10131(b) (property management services). Furthermore,
23 based on the investigation, the Commissioner hereby issues the following Findings of Fact and
24 Desist and Refrain Order under the authority of Code Section 10086.

25 FINDINGS OF FACT

26 1. During the period of time set out below, SANCHEZ was licensed by the
27 Department as a real estate salesperson.

1 2. During the period of time set out below, SANCHEZ was employed by and
2 under the supervision of S & L Home Loans, Inc. (S & L), a real estate broker.

3 3. Between about July 2009 and about September 9, 2011, SANCHEZ, without
4 the knowledge and/or authority of S & L, negotiated to do one or more of the following acts for
5 another or others, for or in expectation of compensation: lease or rent or offer to lease or rent;
6 place for rent; solicit listings of places for rent; solicit for prospective tenants; negotiate the sale,
7 purchase or exchange of leases on real property, or on a business opportunity; collect rents from
8 real property, or improvements thereon, or from business opportunities, in violation of Section
9 10130 (license required) of the Code.

10 4. At all times herein mentioned, in connection with the activities described in
11 Paragraph 3, above, SANCHEZ collected rents and security deposits (trust funds), deposited
12 said trust funds into SANCHEZ' own bank account, commingled trust funds with SANCHEZ'
13 own funds, disbursed funds to investors and others, and performed other property management
14 services, including performing property management services for a real property located on
15 International Blvd, Oakland, California, rented by Emilio N., a tenant in foreclosure, on behalf
16 of the owner, 1492 Investors, LLC, without the knowledge and/or authorization of S & L, in
17 violation of Section 10130 of the Code.

18 5. At all times mentioned herein, SANCHEZ conducted said property
19 management activities using the fictitious business names "A S Property Management" and
20 "A S Diversified Investments, LLC," without first obtaining a license bearing such fictitious
21 names, in violation of Section 2731 (license bearing fictitious business names), Chapter 6,
22 Title 10, of the California Code of Regulations (the Regulations).

23
24 CONCLUSIONS OF LAW

25 6. Based on the Findings of Fact contained in Paragraphs 1 through 4, above,
26 SANCHEZ performed property management activities which require a real estate broker license
27 under Code Sections 10130 and 10131(b) during a period of time when SANCHEZ failed to

1 act within the knowledge, supervision or authorization of S & L, his employing real estate
2 broker.


3 7. Based on the Findings of Fact contained in Paragraph 5, above, SANCHEZ
4 used fictitious business names without first holding a license bearing said fictitious business
5 names pursuant to Section 2731 of the Regulations.

6 DESIST AND REFRAIN ORDER

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8 BASED UPON THE FINDINGS OF FACT AND CONCLUSIONS OF LAW
9 STATED HEREIN, ARTURO GARCIA SANCHEZ, IS HEREBY ORDERED to immediately
10 desist and refrain from performing any acts within the State of California for which a real estate
11 broker license is required, and in particular, immediately desist and refrain from providing or
12 participating in property management services for others for compensation, including owning
13 and managing a trust account, unless and until you individually obtain a real estate broker
14 license issued by the Department or are employed and supervised by a real estate broker.

15 BASED UPON THE FINDINGS OF FACT AND CONCLUSIONS OF LAW
16 STATED HEREIN, ARTURO GARCIA SANCHEZ, IS HEREBY ORDERED to immediately
17 desist and refrain from using fictitious business names without first obtaining a license bearing
18 such fictitious names.

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20 DATED: August 7, 2012
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22 Real Estate Commissioner
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25 By WAYNE S. BELL
26 Chief Counsel
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- NOTICE -

Business and Professions Code Section 10139 provides that, "Any person acting as a real estate broker or real estate salesperson without a license or who advertises using words indicating that he or she is a real estate broker without being so licensed shall be guilty of a public offense punishable by a fine not exceeding twenty thousand dollars (\$20,000), or by imprisonment in the county jail for a term not to exceed six months, or by both fine and imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars (\$60,000) . . ."

cc: ARTURO GARCIA SANCHEZ
4848 San Felipe Rd., #150-318
San Jose, CA 95835

ty MFC/kc