

**FILED**

**September 23, 2013**

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By *L. Jones*

BEFORE THE BUREAU OF REAL ESTATE  
STATE OF CALIFORNIA

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To:	)	
	)	
BRAD LYLE DUNCAN and	)	NO. H-11586 SF
OSCAR MANUEL RODRIGUEZ-LOPEZ	)	
	)	<u>ORDER TO DESIST AND REFRAIN</u>
	)	(B & P Code Section 10086)
	)	

The Real Estate Commissioner of the State of California (Commissioner) has caused an investigation to be made of the activities of BRAD LYLE DUNCAN (DUNCAN) and OSCAR MANUEL RODRIGUEZ-LOPEZ (RODRIGUEZ-LOPEZ), including engaging in the business of, acting in the capacity of, advertising, or assuming to act as a real estate broker in the State of California within the meaning of Section 10131(b) of the California Business and Professions Code (the Code). Based upon the findings of that investigation, as set forth below, the Commissioner has determined and is of the opinion that:

DUNCAN has violated Section 10137 of the Code by employing and/or compensating one or more unlicensed persons to act in the capacity of a real estate broker or salesperson. RODRIGUEZ-LOPEZ has violated Section 10130 of the Code by engaging in the business of or acting as a real estate salesperson or broker, within the meaning of Section 10131(b) (real property management) of the Code without first having obtained a real estate license from the California Bureau of Real Estate (Bureau). Whenever acts referred to below are

1 attributed to DUNCAN, those acts are alleged to have been done by DUNCAN, acting by  
2 himself, or by and/or through one or more agents, associates, and/or co-conspirators, and using  
3 other names or fictitious names unknown at this time (the related entities).

4 FINDINGS OF FACT

5 1. At all times mentioned herein, DUNCAN has been licensed by the  
6 Department as a real estate broker.

7 2. At no time mentioned herein was RODRIGUEZ-LOPEZ licensed by the  
8 Department real estate salesperson or real estate broker.

9 3 At all times mentioned herein, from on or about October 14, 2011, and  
10 continuing up to at least August 31, 2013, RODRIGUEZ-LOPEZ engaged in the business of,  
11 acted in the capacity of, or assumed to act as a real estate broker within the State of California  
12 within the meaning of Section 10131(b) of the Code, including leasing or renting or offering to  
13 lease or rent, or places for rent, or soliciting listings of places for rent, or soliciting prospective  
14 tenant, or negotiating the sale, purchase or exchange of leases on real property, or on a business  
15 opportunity, or collecting rents from real property or improvement thereon, or from business  
16 opportunities, including but not limited to that certain real property commonly known as 963  
17 Santa Cruz Way and 1076 Civic Center Drive, Rohnert Park, California.

18 4. From approximately October, 2011, through at least August 31, 2013,  
19 DUNCAN employed and/or compensated RODRIGUEZ-LOPEZ for performing the acts set out  
20 above which require a real estate license pursuant to Section 10131(b) of the Code (property  
21 management activities).

22 CONCLUSIONS OF LAW

23 1. Based on the Findings of Fact contained in Paragraphs 1 through 4, above,  
24 RODRIGUEZ-LOPEZ performed and/or participated in property management activities which  
25 require a real estate license under Section 10131(b) of the Code during a period of time when  
26 RODRIGUEZ-LOPEZ was not licensed by the Department in any capacity, in violation of  
27 Section 10130 of the Code.

