

FINDINGS OF FACT

1.

On July 9, 2019, Robin S. Tanner, made the Accusation in her official capacity as a Supervising Special Investigator of the Department. The Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified mail, return receipt requested, to Respondent's last known mailing address on file with the Department on July 19, 2019.

On September 12, 2019, no Notice of Defense having been received or filed herein within the time prescribed by Section 11506 of the Government Code, Respondent's default was entered herein.

2.

At all times herein mentioned, Respondent is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the Code as a real estate salesperson. Effective September 12, 2018, Respondent's license has been in a non-working status identified as NBA (also referred to as "No Broker Affiliation"). At no time mentioned herein was Respondent licensed by the Department as a real estate broker.

3.

Respondent was employed with ASM Ventures, a real estate broker corporation since May 3, 2013. Effective December 21, 2017, Respondent's employment with ASM Ventures terminated. At no time mentioned herein did ASM Ventures authorize Respondent to conduct any property management activities.

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Respondent was employed with NRT West, Inc., a real estate broker corporation, for the time periods of February 29, 2012, through May 2, 2013, and December 22, 2017, through September 11, 2018. Effective September 12, 2018, Respondent's employment with NRT West, Inc. terminated. At no time mentioned herein did NRT West, Inc. authorize Respondent to conduct any property management activities.

5.

At all times herein mentioned, Carter and Associates PM, Inc. (CAAPM INC.) was and is presently licensed by the Department as a real estate broker corporation. Effective, October 12, 2015, CAAPM INC.'s broker corporation license expired.

6.

At all times herein mentioned, Respondent conducted real estate activity under the real estate broker corporation license of CAAPM INC.

7.

At all times herein mentioned, Respondent engaged in the business of, acted in the capacity of, advertised, or assumed to act as a real estate broker within the State of California within the meaning of Section 10131 (b) of the Code, including the operation and conduct of a property management business with the public wherein, on behalf of others, for compensation or in expectation of compensation, Respondent leased or rented or offered to lease or rent, or solicited listings of places for rent or solicited for prospective tenants, or negotiated the sale, purchase or exchange of leases on real property, or on a business opportunity, or collected rent from tenants.

8.

On or about May 4, 2012, Respondent and CAAPM INC., entered into a property management agreement with Robert L. to rent, lease, operate, and manage the real property located at 161 Remington Street, Brentwood (Remington Property). Respondent continued to provide property management services for the Remington Property until February 2018.

9.

On or about January 1, 2016, until January 22, 2018, Respondent, while acting in the capacity of a real estate broker, as described in Paragraph 7, disbursed trust funds to Robert L.

10.

On or about October 25, 2013, Respondent and CAAPM INC., entered into a property management agreement with Carl J Colombo Trust and Carole L. to rent, lease, operate, and manage the real property located at 264 Prince Albert Way, Brentwood (Prince Albert Property). Respondent continued to provide property management services for the Prince Albert Property until September 2018.

11.

On or about January 31, 2017, Respondent and CAAPM INC., entered into a lease agreement, on behalf of the owner, Carl J Colombo Trust and Carole L. with Thomas V. to rent the Prince Albert Property for a term commencing on February 1, 2017, until April 30, 2018.

12.

On or about December 28, 2017, and on or about March 2, 2018, Respondent collected and received rent from Thomas V., pursuant to the terms of the lease agreement for the Prince Albert Property.

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13.

On or about January 12, 2018, until July 17, 2018, Respondent, while acting in the capacity of a real estate broker, as described in Paragraph 7, disbursed trust funds to Carole L.

14.

On or about January 17, 2018, Respondent and CAAPM INC., entered into a property management agreement with Christie F., to rent, lease, operate, and manage the real property located at 4081 Forest View Avenue, Concord.

DETERMINATION OF ISSUES

15.

The acts and/or omissions of Respondent as described above, constitute violations of Section 10130 (Unlicensed Activity) of the Code in conjunction with Section 10131 (b) of the Code, and are grounds for the suspension or revocation of the licenses and license rights of Respondent under Sections 10177 (d) (Willful Disregard of Real Estate Laws), and 10177 (g) (Negligence/Incompetence of Licensee) of the Code.

15.

The standard of proof applied was clear and convincing evidence to a reasonable certainty.

ORDER

All licenses and licensing rights of Respondent CHERYL MARIE CARTER under the provisions of Part I of Division 4 of the Business and Professions Code are revoked.

This Decision shall become effective at 12 o'clock noon on NOV 06 2019.

DATED: September 18, 2019.

DANIEL J. SANDRI
ACTING REAL ESTATE COMMISSIONER


