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1 Department of Real Estate
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FILED
FEB 18 2011
DEPARTMENT OF REAL ESTATE

By C. [Signature]

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * *

11 To:) No. H-37077 LA
12)
13 MICHAEL SEDEY and) ORDER TO DESIST
14 GAIL ANNE SEDEY.) AND REFRAIN
15) (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 MICHAEL SEDEY and
19 GAIL ANNE SEDEY. Based on that investigation the Commissioner has determined that
20 MICHAEL SEDEY and GAIL ANNE SEDEY have engaged in or are engaging in acts or
21 attempting to engage in the business of, acting in the capacity of, and/or advertising or assuming
22 to act as real estate brokers in the State of California within the meaning of Business and
23 Professions Code Section 10131(a) (soliciting prospective purchasers or sellers and negotiating
24 the sale, purchase or exchange of real property).

25 In addition, based on that investigation, the Commissioner has determined that
26 MICHAEL SEDEY and GAIL ANNE SEDEY have engaged in or are engaging in acts or are
27 attempting to engage practices constituting violations of the California Business and Professions

1 Code ("Code") and/or Title 10, California Code of Regulations ("Regulations"). Based on the
2 findings of that investigation, set forth below, the Commissioner hereby issues the following
3 Findings of Fact, Conclusions of Law, and Desist and Refrain Order under the authority of
4 Section 10086 of the Code.

5 FINDINGS OF FACT

6 1. From October 23, 1996 through January 27, 2009, Monarch Realty &
7 Investments, Inc. ("MRI") was licensed or had license rights under the Real Estate Law (Part 1
8 of Division 4 of the Code) as a real estate corporation. MRI's license expired on January 27,
9 2009. MRI has two-year renewal rights under Code Section 10201 of the Code. The
10 Department retains jurisdiction pursuant Section 10103 of the Code.

11 2. From on or about January 28, 2005 through January 27, 2009, MRI was
12 authorized to act by and through MICHAEL SEDEY as the officer and broker responsible
13 pursuant to the provisions of Code Section 10159.2 for supervising and controlling the activities
14 performed by MRI requiring a real estate license by its officers and employees, as necessary to
15 secure full compliance with the Real Estate Law (Section 10000 et seq. of the Code).

16 3. From July 25, 1998 through the present, MICHAEL SEDEY was licensed
17 individually by the Department under the Real Estate Law (Part 1 of Division 4 of the Code) as a
18 real estate broker. MICHAEL SEDEY was a principal and the designated officer of MRI.

19 4. GAIL ANNE SEDEY is presently licensed and/or has license rights under the
20 Real Estate Law, Part 1 of Division 4 of the Code, as a real estate salesperson. From on or about
21 January 27, 2009 through September 16, 2009, Respondent GAIL ANNE SEDEY was licensed
22 by the Department as "NBA" (no broker affiliation). From on or about September 17, 2009
23 through July 24, 2010, GAIL ANNE SEDEY was licensed by the Department as a salesperson
24 under the employ of MICHAEL SEDEY.

25 5. MRI is a California corporation. MRI was formed as a corporation on or about
26 August 8, 1996. MICHAEL SEDEY and GAIL ANNE SEDEY are officers and directors of the
27 corporation. On January 2, 2009, the California Franchise Tax Board suspended the corporate

1 powers, rights and privileges of MRI pursuant to the provisions of the California Revenue and
2 Taxation Code. MRI's corporate status remains suspended.

3 6. At all times herein mentioned, MRI and MICHAEL SEDEY for or in
4 expectation of compensation engaged in the business of, acted in the capacity of, advertised or
5 assumed to act as real estate brokers for others in the State of California within the meaning of
6 Section 10131(a) of the Code (sell or offer to sell, buy or offer to buy, solicit prospective sellers
7 or purchasers of, solicit or obtain listings of or negotiate the purchase, sale or exchange of real
8 property).

9 7. For an unknown period of time beginning no later than April 10, 2009 through
10 September of 2009, for or in expectation of compensation and while GAIL ANNE SEDEY was
11 employed by MRI and MICHAEL SEDEY, GAIL ANNE SEDEY solicited prospective
12 purchasers of, solicited or obtained listings of, and negotiated the purchase, sale or exchange of
13 real property including, but not limited to, the transactions noted below.

14 8. In or around April of 2009, MRI solicited prospective purchasers David M. F.
15 and Kristina T-F, and engaged in negotiations for the purchase of real property located in the city
16 of Tustin, California. The property was ultimately sold to different purchasers on May 11, 2009.
17 GAIL ANNE SEDEY received a commission of \$7,406.11 for the sale of the property.

18 9. On or about September 9, 2009, GAIL ANNE SEDEY acting as the listing
19 agent for MRI, solicited prospective purchasers Karl Oing N. and Lesley Lam N., and engaged in
20 negotiations for the purchase of real property located in the city of Mission Viejo, California.
21 The property was ultimately sold to different purchasers for a sale price lower than that offered
22 by Karl Oing N. and Lesley Lam N.

23 CONCLUSIONS OF LAW

24 10. Based on the information contained in Paragraphs 1 through 9, above, GAIL
25 ANNE SEDEY violated Section 10130 of the Code by engaging in the activities without first
26 obtaining a broker license from the Department or being under the employ of a licensed real
27 estate broker.

1 11. Based on the information contained in Paragraphs 1 through 9, above,
2 MICHAEL SEDEY violated Section 10137 of the Code, by employing or compensating GAIL
3 ANNE SEDEY for performing acts requiring a real estate license when she was not licensed
4 under his employ.

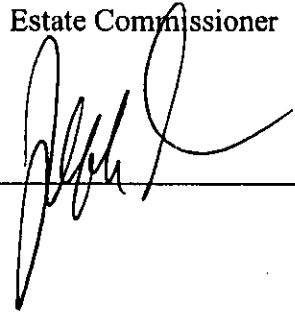
5 DESIST AND REFRAIN ORDER

6 Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW stated
7 herein, IT IS HEREBY ORDERED THAT MICHAEL SEDEY immediately desist and refrain
8 from: employing or compensating any person for performing any acts requiring a real estate
9 license, who is not a licensed as a real estate broker or a real estate salesperson licensed under his
10 employ.

11 IT IS FURTHER ORDERED THAT GAIL ANNE SEDEY immediately desist
12 and refrain from: engaging in the activities requiring a real estate license without first obtaining a
13 broker license or being licensed as a salesperson under the employ of a licensed real estate
14 broker.

15 DATED: 2/16, 2011.

16 JEFF DAVI
17 Real Estate Commissioner

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23 **Notice:** Business and Professions Code Section 10139 provides that "Any person acting as a
24 real estate broker or real estate salesperson without a license or who advertises using words
25 indicating that he or she is a real estate broker without being so licensed shall be guilty of a
26 public offense punishable by a fine not exceeding twenty thousand dollars (\$20,000), or by
27 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: Michael Sedey and Gail Anne Sedey
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