

Law

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DEPARTMENT OF REAL ESTATE
320 W. 4th Street, Suite 350
Los Angeles, CA 90013

Telephone: (213) 576-6982

FILED

AUG 14 2012

DEPARTMENT OF REAL ESTATE
BY: 

STATE OF CALIFORNIA
DEPARTMENT OF REAL ESTATE

To:)	
)	NO. H-38330 LA
TRANSFER SMART LLC;)	
)	ORDER TO DESIST AND
)	REFRAIN
)	
Respondent.)	(B&P Code Section 10086)
)	
)	

The Commissioner (Commissioner) of the California Department of Real Estate (Department) caused an investigation to be made of the activities of TRANSFER SMART LLC ("TS"). Based on the investigation, the Commissioner has determined that TS has engaged in, is engaging in, or is attempting to engage in, acts or practices constituting violations of the California Business and Professions Code ("Code"), including the business of, acting in the capacity of, and/or advertising or assuming to act as, a real estate broker in the State of California within the meaning of Code Sections 10131(a) (soliciting and obtaining listings, and negotiating the purchase, sale or exchange of real property) and

1 10131.2 (charging an advance fee in connection with the purchase,
2 sale, exchange or listing of real property). Furthermore, based
3 on the investigation, the Commissioner hereby issues the
4 following Findings of Fact, Conclusions of Law, and Desist and
5 Refrain Order under the authority of Section 10086 of the Code.

6 Whenever acts referred to below are attributed to TS,
7 those acts are alleged to have been done by TS, acting by itself,
8 or by and/or through one or more agents, associates, affiliates,
9 and/or co-conspirators.

10 FINDINGS OF FACT

11 1. At no time herein mentioned has TS been licensed by the
12 Department in any capacity.

13 2. During the period of time set out below, TS solicited
14 real property listings and collected an advance fee to do one
15 or more of the following acts for another or others, for or in
16 expectation of compensation: offer to list for sale, and
17 negotiate the purchase, sale or exchange of interests in real
18 property, to wit: timeshares.

19 3. For an unknown period of time prior to November, 2010,
20 through and including the present time, TS advertised, and
21 continue to advertise, its services under the business name
22 TRANSFER SMART on a website located at
23 <http://www.transfersmartnow.com>. Those advertisements
24 solicited, and continue to solicit for sale listings and offer
25 to arrange purchases, sales or exchanges of timeshare
26 properties in exchange for the payment of an advance fee.

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1 4. On or about November 21, 2010, TS entered into a written
2 agreement with Eleanor K. concerning the sale or exchange of
3 her timeshare property, obligating Eleanor K. to pay to TS as
4 its advance fee for services \$4,736.00 in violation of Code
5 Sections 10130, 10131(a) and 10131.2.

6 CONCLUSIONS OF LAW

7 5. Based on the findings of fact contained in paragraphs 1
8 through 4, TS, acting by itself, or by and/or through one or
9 more agents, associates, affiliates, and/or co-conspirators
10 solicited real property listings and collected an advance fee
11 to do one or more of the following acts for another or others,
12 for or in expectation of compensation: offer to list for sale,
13 and/or negotiate the purchase, sale or exchange of interests in
14 real property, to wit: timeshares, which requires a real estate
15 license under Code Sections 10131(a) and 10131.2, during a
16 period of time when neither TG and WEST were licensed by the
17 Department in any capacity, in violation of Code Section 10130.

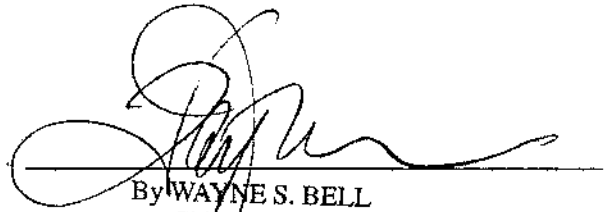
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20 DESIST AND REFRAIN ORDER

21 Based on the Findings of Fact and Conclusions of Law
22 stated herein, TRANSFER SMART LLC IS HEREBY ORDERED to
23 immediately desist and refrain from performing any acts within
24 the State of California for which a real estate broker license is
25 required, and in particular, doing one or more of the following
26 acts for another or others, for or in expectation of
27 compensation: offer to list for sale, and/or negotiate the

1 purchase, sale or exchange of interests in real property, unless
2 and until TRANSFER SMART LLC obtains a real estate broker license
3 issued by the Department.

4 DATED: 7/31/, 2012.

6 Real Estate Commissioner

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10 By WAYNE S. BELL
11 Chief Counsel

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13 **Notice:** Business and Professions Code Section 10139 provides
14 that "Any person acting as a real estate broker or real estate
15 salesperson without a license or who advertises using words
16 indicating that he or she is a real estate broker without being
17 so licensed shall be guilty of a public offense punishable by a
18 fine not exceeding twenty thousand dollars (\$20,000), or by
19 imprisonment in the county jail for a term not to exceed six
20 months, or by both fine and imprisonment; or if a corporation, be
21 punished by a fine not exceeding sixty thousand dollars
22 (\$60,000)."

20 cc: TRANSFER SMART LLC
21 2241 W. 190th St., Suite 100
22 Torrance, CA 90504