

JUN -7 2013

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of)
)
THS INVESTMENTS INC., a corporate real estate broker,) No. H-38683 LA
and TOMMY LEE COOKS, individually and as former)
designated broker-officer of THS Investments Inc.,)
)
)
Respondents.)

DEFAULT DECISION

This Decision is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on May 6, 2013, and the findings of fact set forth herein are based on one or more of the following: (1) Respondents' express admissions; (2) affidavits; and (3) other evidence.

FINDINGS OF FACT

1. On or about January 31, 2013, Maria Suarez made the Accusation in her official capacity as a Deputy Real Estate Commissioner of the State of California.

(a) On February 4, 2013, the Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified mail, return receipt requested, to Respondents THS INVESTMENTS INC. and TOMMY LEE COOKS at their last known mailing address on file with the Department of Real Estate ("Department"). The packages were returned to the Department marked "Return to sender, not deliverable." An additional mailing by regular mail was also returned as undeliverable. On March 28, 2013, an additional mailing of the Accusation and related documents was mailed by certified mail to a different address provided to the Department. This mailing was returned indicating that the subjects were not known at that address.

(b) No Notice of Defense has been received from either Respondent.

(c) Respondents Defaults were entered on May 6, 2013.

2. Respondent THS INVESTMENTS INC. ("THS INVESTMENTS") is and was at all times relevant herein licensed and/or had license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code (hereinafter "Code") as a corporate real estate broker.

(a) At all times relevant herein, Respondent THS INVESTMENTS was authorized to act by and through Respondent TOMMY LEE COOKS as the designated officer and broker responsible, pursuant to the provisions of Code Section 10159.2, for the supervision and control of the activities conducted on behalf of THS INVESTMENTS by THS INVESTMENTS' officers and employees.

(b) THS INVESTMENTS' corporate real estate broker license expired on May 30, 2011, and it retains renewal rights pursuant to Code Section 10201. The Department retains jurisdiction pursuant to Code Section 10103.

3. Respondent TOMMY LEE COOKS, dba The Housing Specialist (hereinafter "COOKS"), is presently licensed as a real estate broker. Respondent COOKS has been licensed by the Department as a real estate broker since on or about January 16, 2001. At all times relevant herein, COOKS is and was the broker-officer of THS INVESTMENTS designated pursuant to Code Section 10159.2 to be responsible for the supervision of its officers, employees and agents to ensure compliance with the Real Estate Law.

4. Respondent THS INVESTMENTS was a Nevada corporation. Cynthia Rosales was the Chief Executive Officer of the corporation. As set forth more fully below, THS INVESTMENTS' corporate status was revoked by the State of Nevada on or about November 1, 2009. THS is therefore no longer a corporation in good standing.

OFFICE ABANDONMENT

5. At all times relevant herein, the main office address in California maintained by Respondent THS INVESTMENTS with the Department was 590 N. Sierra Way, San Bernardino, CA 92410.

6. At all times relevant herein, the main office address maintained by Respondent TOMMY LEE COOKS was and is 590 N. Sierra Way, San Bernardino, CA 92410.

7. Between April 20, 2011 and September 23, 2011, several representatives of the Department attempted to make contact with Respondents COOKS and THS, but were unsuccessful. During that period of time, the Department's representatives mailed letters and subpoenas to Respondents at their address of record at 590 N. Sierra Way, San Bernardino, CA 92410. The letters and subpoenas were returned marked undeliverable or otherwise not responded to.

8. On May 24, 2011, a representative of the Department drove to 590 N. Sierra Way, San Bernardino, CA 92410, the main office address for both THS INVESTMENTS and COOKS. The office was empty and unoccupied. Management of the building at the Sierra Way

location indicated that THS INVESTMENTS and COOKS had moved out of the building in mid January of 2011 and did not leave forwarding addresses.

9. Beginning on or before February 1, 2011, and continuing to the present time, Respondent THS INVESTMENTS and Respondent COOKS failed to maintain on file with the Department an address for an office constituting their principal place of business, in California.

DETERMINATION OF ISSUES

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

2. Respondents' conduct, acts and/or omissions, in failing to maintain on file with the Department an address for an office constituting their principal place of business in California, was in violation of Title 10, Chapter 6 of the California Code of Regulations, Regulation 2715 and Business and Professions Code Section 10162, and constitutes cause for the suspension or revocation of Respondent's license and license rights under the provisions of Business and Professions Code Sections 10165 and 10177(d).

3. Respondent COOKS conduct, acts and/or omissions, in failing to supervise the activities of Respondent THS INVESTMENTS to ensure compliance with the Real Estate law, in violation of Code Section 10159.2, constitutes grounds for the suspension or revocation of Respondent COOKS's real estate license pursuant to Code Section 10177(h).

ORDER

All licenses and license rights of Respondent TOMMY LEE COOKS and Respondent THS INVESTMENTS INC. 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 June 27, 2013.

DATED: May 24, 2013

REAL ESTATE COMMISSIONER



By: Jeffrey Mason
Chief Deputy Commissioner

FILED

Department of Real Estate
320 West Fourth Street, Suite 350
Los Angeles, CA 90013

MAY - 6 2013

(213) 576-6982

DEPARTMENT OF REAL ESTATE
BY: James B. Olson

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) NO. H-38683 LA
)
THS INVESTMENTS INC, a) DEFAULT ORDER
corporate real estate broker,)
and TOMMY LEE COOKS,)
individually and as former)
designated broker-officer of)
THS Investments, Inc.,)
)
Respondents.)

Respondent THS INVESTMENTS INC and TOMMY LEE COOKS
having failed to file a Notice of Defense within the time
required by Section 11506 of the Government Code, are now in
default. It is, therefore, ordered that a default be entered
on the record in this matter.

IT IS SO ORDERED

May 3, 2013

Wayne S. Bell
Real Estate Commissioner

By:

Dolores Weeks
DOLORES WEEKS
Regional Manager