

1 Bureau of Real Estate
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FILED

JUL 14 2014

BUREAU OF REAL ESTATE

By *J. L. ...*

BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

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11 To:)	No. H-39534 LA
)	
12 RESORT MEMBERS ASSOCIATION;)	<u>ORDER TO DESIST</u>
13 DONATE TILE, INC.; VACATION)	<u>AND REFRAIN</u>
SMART INTERNATIONAL; GRAY)	(B&P Code Section 10086)
14 WOLF TRANSFERS, INC.,)	
individually, and doing)	
15 business as Pacific Transfer;)	
TRANSFER SMART; TONY)	
16 ESPINOZA; ROXANNE ESPINOZA;)	
DAVID MAC MILLAN; and)	
17 CHRIS BODIG)	
)	
)	

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20 The Commissioner ("Commissioner") of the California
21 Bureau of Real Estate ("Bureau") caused an investigation to be
22 made of the activities of RESORT MEMBERS ASSOCIATION, also known
23 as RMA, DONATE TILE, INC., individually, and doing business as
24 Resort Members Association, VACATION SMART INTERNATIONAL, GRAY
25 WOLF TRANSFERS, INC., doing business as PACIFIC TRANSFER,
26 TRANSFER SMART, TONY ESPINOZA, ROXANNE ESPINOZA, DAVID MACMILLAN
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1 and CHRIS BODIG and has determined that they have each engaged in
2 or are engaging in acts or practices constituting violations of
3 the California Business and Professions Code ("Code") and/or
4 Title 10, California Code of Regulations ("Regulations")
5 including engaging in the business of, acting in the capacity of,
6 engaging in the business of, acting in the capacity of,
7 advertising, or assuming to act, as real estate broker in the
8 State of California within the meaning of Code Section 10131
9 subsection (a) (selling or offering to sell and soliciting or
10 negotiating sales of timeshares) and/or Section 10131.2 (advance
11 fee handling). Based on the findings of that investigation, as
12 set forth below, the Commissioner hereby issues the following
13 Findings of Fact and Desist and Refrain Order pursuant to Code
14 Section 10086.

15 FINDINGS OF FACT

16 1. At no time mentioned herein has RESORT MEMBERS
17 ASSOCIATION, DONATE TILE, INC., individually, and doing business
18 as Resort Members Association, VACATION SMART INTERNATIONAL,
19 TRANSFER SMART, TONY ESPINOZA, ROXANNE ESPINOZA, DAVID MAC
20 MILLAN and CHRIS BODIG been licensed by the Bureau in any
21 capacity.

22 2. At all times mentioned herein GRAY WOLF TRANSFERS,
23 INC., and its authorized fictitious business name Pacific
24 Transfer, was licensed by the Bureau of Real Estate (hereinafter
25 "Bureau") as a corporate real estate broker.

26 3. Whenever acts referred to below are attributed to
27

1 RESORT MEMBERS ASSOCIATION, DONATE TILE, individually, and doing
2 business as Resort Members Association, VACATION SMART
3 INTERNATIONAL, or TRANSFER SMART, those acts are alleged to have
4 been done by each person named herein, acting alone, or by and/or
5 through one or more agents, associates, affiliates, and/or co-
6 conspirators, including but not limited to each of those named
7 herein, and using a fictitious name(s) unknown at this time.

8 4. At all times mentioned herein the persons named
9 herein engaged in the business of claiming, demanding, charging,
10 receiving, collecting or contracting for the collection of an
11 advance fee, as defined by Code Section 10026, including but not
12 limited to the activities described in Paragraph 5, below.

13 5. At the times set forth below RESORT MEMBERS
14 ASSOCIATION, DONATE TILE, INC., doing business as Resort Members
15 Association, VACATION SMART INTERNATIONAL, GRAY WOLF TRANSFERS,
16 INC., individually, and doing business as Pacific Transfer,
17 TRANSFER SMART, TONY ESPINOZA, ROXANNE ESPINOZA, DAVID MAC
18 MILLAN AND CHRIS BODIG engaged in the business of, acted in the
19 capacity of, or advertised a timeshare resale service offering
20 to obtain transfers of legal title from timeshare owners to
21 recipient buyers for fees collected in advance of the
22 transaction, including but not limited to the activities
23 described below.

24 a. On or about September 16, 2012, Gary F. paid an
25 advance fee of \$6,000 to RESORT MEMBERS ASSOCIATION on behalf of
26 VACATION SMART INTERNATIONAL, GRAY WOLF TRANSFERS, INC.,
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1 individually, and doing business as Pacific Transfer, TRANSFER
2 SMART, and DAVID MAC MILLAN. The foregoing payment was made in
3 response to solicitations by TONY ESPINOZA and ROXANNE ESPINOZA.
4 The advance fee was collected and paid pursuant to the
5 provisions of an agreement pertaining to a timeshare resale
6 service agreeing to obtain transfers of legal title from
7 timeshare owners to recipient buyers for fees collected in
8 advance of the transaction. The foregoing service was to be
9 provided by RESORT MEMBERS ASSOCIATION, DONATE TILE, INC.,
10 individually, and doing business as Resort Members Association,
11 VACATION SMART INTERNATIONAL, TRANSFER SMART, GRAY WOLF
12 TRANSFERS, INC., individually, and doing business as Pacific
13 Transfer, and DAVID MAC MILLAN with respect to the timeshares of
14 Gary F. located at Shell Vacation Club, Anaheim, California and
15 Monarch Grand Vacations, Dana Point, California.

16 b. On or about January 12, 2013, Srisuree and Richard
17 E. paid an advance fee of \$3,495 to RESORT MEMBERS ASSOCIATION
18 on behalf of TRANSFER SMART, GRAY WOLF TRANSFERS, INC.,
19 individually, and doing business as Pacific Transfer, DONATE
20 TILE, INC., individually, and doing business as Resort Members
21 Association, VACATION SMART INTERNATIONAL and DAVID MAC MILLAN.
22 The foregoing payment was made in response to a solicitation by
23 CHRIS BODIG. The advance fees was collected and paid pursuant to
24 the provisions of an agreement pertaining to a timeshare resale
25 service agreeing to obtain transfers of legal title from
26 timeshare owners to recipient buyers for fees collected in
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1 advance of the transaction. The foregoing service was to be
2 provided by TRANSFER SMART, GRAY WOLF TRANSFERS, INC.,
3 individually, and doing business as Pacific Transfer, VACATION
4 SMART INTERNATIONAL and DAVID MAC MILLAN with respect to the
5 timeshare of Srisuree and Richard E. located at Riviera Oaks
6 Resort and Racquet Club, 25382 Pappas Road, Ramona, California.

7 6. GRAY WOLF TRANSFERS, INC., individually, and doing
8 business as Pacific Transfer, failed to submit the advance fee
9 agreement referred to in Paragraphs 4 and 5, above, to the
10 Commissioner ten days before using it.

11 CONCLUSIONS OF LAW

12 7. Based on the information contained in Paragraphs 4
13 and 5, above, RESORT MEMBERS ASSOCIATION, DONATE TILE, INC.,
14 individually and doing business as Resort Members Association,
15 VACATION SMART INTERNATIONAL, TRANSFER SMART, TONY ESPINOZA,
16 ROXANNE ESPINOZA, DAVID MACMILLAN and CHRIS BODIG performed
17 and/or participated in the business of, acted in the capacity of,
18 or advertised a timeshare resale service offering to obtain
19 transfers of legal title from timeshare owners to recipient
20 buyers for fees collected in advance of the transaction as well
21 as advance fee handling which require a real estate broker
22 license under the provisions of Code Sections 10131(a) and
23 10131.2 during a period of time when none of them was licensed by
24 the Bureau as a real estate broker nor employed as a real estate
25 salesperson by the broker on whose behalf the activities were
26 performed, in violation of Section 10130 of the Code.

1 submitted an advance fee agreement to the Commissioner in
2 compliance with Code Section 10085 and Section 2970 of the
3 Regulations.

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5 DATED: June 20, 2014.

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7 ~~REAL ESTATE COMMISSIONER~~
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10 By: JEFFREY MASON
11 Chief Deputy Commissioner

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14 **Notice:** Business and Professions Code Section 10139 provides
15 that "Any person acting as a real estate broker or real estate
16 salesperson without a license or who advertises using words
17 indicating that he or she is a real estate broker without being
18 so licensed shall be guilty of a public offense punishable by a
19 fine not exceeding twenty thousand dollars (\$20,000), or by
20 imprisonment in the county jail for a term not to exceed six
21 months, or by both fine and imprisonment; or if a corporation,
22 be punished by a fine not exceeding sixty thousand dollars
23 (\$60,000)."

24 cc: Resort Members Association
25 Donate Tile, Inc.
26 Vacation Smart International
27 Gray Wolf Transfers, Inc.
Transfer Smart
Tony Espinoza
Roxanne Espinoza
David MacMillan
Chris Bodig