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1	BUREAU OF REAL ESTATE		
2	320 W. 4 th Street, Suite 350 Los Angeles, CA 90013	FILED	
3	Telephone: (213) 576-6982		
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8		STATE OF CALIFORNIA	
9	BUREAU OF REAL ESTATE		
10		* * * *	
11	То:)	
12	HOMEBAY, INC.) NO. H-40719 LA	
13) ORDER TO DESIST AND) REFRAIN	
14)	
15) (B&P Code Section 10086)	
16	The Commissioner ("Commissioner") of the California Bureau of Real Estate		
17	("Bureau") caused an investigation to be made into the activities of HOMEBAY, INC.		
18	("Respondent"). Based on the investigation, the Commissioner has determined that Respondent		
19	has engaged in, is engaging in, or is attempting to engage in, acts or practices constituting		
20	violations of the California Business and Professions Code ("Code") and/or Title 10, Chapter 6,		
21	California Code of Regulations ("Regulations"), including the business of, acting in the capacity		
22	of, and/or advertising or assuming to act as a real estate broker in the State of California within		
23	the meaning of Code Section 10131(a) (soliciting prospective purchasers and negotiating the		
24	purchase, sale, or exchange real property for or on behalf of others in expectation of		
25	compensation). Furthermore, based on the investigation, the Commissioner hereby issues the		
26	following Findings of Fact, Conclusions of Law, and Desist and Refrain Order under the		
27	authority of Section 10086 of the Code.		

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Whenever acts referred to below are attributed to HOMEBAY, INC., those acts
are alleged to have been done by HOMEBAY, INC. acting by and/or through one or more
officers, agents, associates, affiliates, and/or co-conspirators including, but not limited to
THOMAS PATRICK OWEN, JR., JOSEPH ZULLI, and any other persons unknown at this
time.

FINDINGS OF FACT

7 1. At no time herein mentioned has Respondent HOMEBAY, INC. been
8 licensed by the Bureau in any capacity.

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2. During the period of time set out below, Respondent solicited members of
the public interested in selling their residential real property and proceeded to do one or more
of the following acts for another or others, for or in expectation of compensation: offer to list
the property for sale in the Multiple Listing Service ("MLS"), review offers and propose
counter offers, and "manage" all transaction paperwork in exchange for a fee.

¹⁴ 3. For an unknown period of time prior to April 1, 2015, through and including
¹⁵ the present time, Respondent advertised, and continues to advertise its services for sale on the
¹⁶ Internet website <u>http://www.homebay.com</u>, among other media. Those advertisements
¹⁷ solicited, and continue to solicit consumers to list their property for sale with Respondent, on
¹⁸ Respondent's website.

4. Prior to June 14, 2016, the B. and S. Family Trust hired Respondent to list its
residential real property located in San Diego, California, for sale in the MLS and other
Internet real estate sites. The property was sold and escrow closed on or about June 14, 2016.
Respondent collected \$750.00 at the close of escrow even though Respondent is not licensed to
list properties in the MLS or conduct real estate activities on behalf of home sellers in violation
of Code Sections 10130 and 10131(a).

5. On or about December 1, 2016, Barbara O. hired Respondent to list her
 residential real property located in San Diego, California, for sale in the MLS and other
 Internet real estate sites. The property was sold and escrow closed on or about March 14,

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Ĺ	2017. Respondent collected \$3,500.00 at the close of escrow, even though Respondent is not				
2	licensed to list properties in the MLS or conduct real estate activities on behalf of home sellers				
3	in violation of Code Sections 10130 and 10131(a).				
4	6. The above two real estate transactions are only two examples of the				
5	estimated hundreds of real estate transactions conducted by Respondent in which Respondent				
6	collected compensation for engaging in activities that require a real estate license when				
7	Respondent is not licensed, in violation of Code Sections 10130 and 10131(a).				
8	CONCLUSIONS OF LAW				
9	7. Based on the findings of fact contained in paragraphs 1 through 6,				
10	Respondent HOMEBAY, INC. solicited sellers of residential real property and offered to list				
11	their properties for sale for a fee, and to guide the transaction to closing. Those activities				
12	require a real estate broker license pursuant to the provisions of Code Sections 10130 and				
13	10131(a) and Respondent has engaged in those activities despite the fact that Respondent has				
14	never been licensed by the Bureau as a real estate broker in violation of Section 10130 of the				
15	Code.				
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	DESIST AND REFRAIN ORDER		
2	Based on the Findings of Fact and Conclusions of Law stated herein,		
3	HOMEBAY, INC. IS HEREBY ORDERED to immediately desist and refrain from performing		
4	any acts within the State of California for which a real estate broker license is required, and in		
5	particular, doing one or more of the following acts for another or others, for or in expectation of		
6	compensation: offering to list for sale, and/or negotiate the sale, of real property of any kind		
7	whatsoever unless and until HOMEBAY, INC. obtains a real estate broker license issued by the		
8	Bureau.		
9	DATED: 7/13/17		
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11	WAYNE S. BELL Real Estate Commissioner		
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13	Damil / Sant.		
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15	By: DANIEL J. SANDRI Chief Deputy Commissioner	!	
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20	Notice: Business and Professions Code Section 10139 provides that "Any person acting as a real estate broker or real estate salesperson without a license or who advertises using words indicating that he or she is a real estate broker without being so licensed shall be guilty of a		
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22	public offense punishable by a fine not exceeding twenty thousand dollars (\$20,000), or by imprisonment in the county jail for a term not to exceed six months, or by both fine and		
23	imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars (\$60,000)."		
24			
25	cc: HOMEBAY, INC.		
26	223 East De La Guerra St. Santa Barbara, CA 93101		
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