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

Telephone: (213) 576-6982

FILED

JUL 20 2017

BUREAU OF REAL ESTATE

By *[Signature]*

STATE OF CALIFORNIA
BUREAU OF REAL ESTATE

To:)	
)	NO. H-40719 LA
HOMEBAY, INC.)	
)	ORDER TO DESIST AND
)	REFRAIN
)	
)	(B&P Code Section 10086)
)	

The Commissioner ("Commissioner") of the California Bureau of Real Estate ("Bureau") caused an investigation to be made into the activities of HOMEBAY, INC. ("Respondent"). Based on the investigation, the Commissioner has determined that Respondent 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") and/or Title 10, Chapter 6, California Code of Regulations ("Regulations"), 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 Section 10131(a) (soliciting prospective purchasers and negotiating the purchase, sale, or exchange real property for or on behalf of others in expectation of compensation). Furthermore, based on the investigation, the Commissioner hereby issues the following Findings of Fact, Conclusions of Law, and Desist and Refrain Order under the authority of Section 10086 of the Code.

1 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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1 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
12 Real Estate Commissioner

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15 By: DANIEL J. SANDRI
16 Chief Deputy Commissioner

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20 **Notice:** Business and Professions Code Section 10139 provides that "Any person acting as a
21 real estate broker or real estate salesperson without a license or who advertises using words
22 indicating that he or she is a real estate broker without being so licensed shall be guilty of a
23 public offense punishable by a fine not exceeding twenty thousand dollars (\$20,000), or by
24 imprisonment in the county jail for a term not to exceed six months, or by both fine and
25 imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars
26 (\$60,000)."

27 cc: HOMEBAY, INC.
223 East De La Guerra St.
Santa Barbara, CA 93101