

File

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**FILED**

**AUG - 1 2019**

**DEPT. OF REAL ESTATE**

By *[Signature]*

9 BEFORE THE DEPARTMENT OF REAL ESTATE  
10 STATE OF CALIFORNIA

11 \* \* \*

12 To:	)	No. H-41451 LA
	)	ORDER TO DESIST
13 B.A.R. ENTERPRISES, LLC,	)	AND REFRAIN
14 B.A.G. PROPERTY MANAGEMENT,	)	(B&P Code section 10086)
15 and AMY A. JACKSON, doing business	)	
16 as BAR Property Management,	)	
Respondents.	)	

17 The Commissioner ("Commissioner") of the California Department of Real Estate  
18 ("Department") caused an investigation to be made of the activities of B.A.R.  
19 ENTERPRISES, LLC, B.A.G. PROPERTY MANAGEMENT, and AMY A. JACKSON,  
20 doing business as BAR Property Management (sometimes referred to as "Respondents"), and  
21 has determined that Respondents have engaged in or are engaging in acts or practices  
22 constituting violations of the California Business and Professions Code ("Code"), including  
23 engaging in the business of, acting in the capacity of, advertising, or assuming to act, as a real  
24 estate broker in the State of California within the meaning of Section 10131(b) of the Code  
25 (leasing or renting or offering to lease or to rent or soliciting for prospective tenants or  
26 collecting rents from real property or improvements thereon). Based on the findings of that

ORDER TO DESIST AND REFRAIN

1 investigation, as set forth below, the Commissioner hereby issues the following Findings of  
2 Fact and Desist and Refrain Order pursuant to Section 10086 of the Code.

3 Whenever acts referred to below are attributed to Respondents, those acts are alleged to  
4 have been done by Respondents acting by themselves, or by and/or through one or more  
5 agents, associates, affiliates, and/or co-conspirators.

6 FINDINGS OF FACT

7 1. Respondents are not now, and have never been licensed by the Department in any  
8 capacity.

9 2. For an unknown period of time, including January 1, 2015, through December 31,  
10 2017, Respondents engaged in the business of and acted in the capacity of a real estate broker  
11 in California within the meaning of Section 10131(b) of the Code.

12 3. For an unknown period of time, Respondents advertised their property management  
13 services on flyers and solicited owners of rental property. At the top of Respondents'  
14 advertisement flyer it states "BAR Property Management" and the following:

15 Thank you for your interest in our property management services. We provide  
16 a variety of services to help manage your properties to the highest standards.  
17 If you have any questions or would like to add different services [ ] please do  
18 not hesitate to contact us.

19 Basic services we provide:

20 - Collect rental income, pay vendors and any other building expenses

21 ...

22 - Full services for leasing vacant units including: advertising with expertly  
23 maintained campaigns and full background checks of prospective tenants  
24 including financial, employment and criminal screens.

25 ...

26 What do we charge?

27 Our charges are based on the amount of income we collect.

...

We will advertise our property on a leasing website to find the right tenant for  
your building by using free sites such as Westside Rentals or Craigslist. Due  
to the amount of time it takes to tend these sites we charge \$10 per week for  
each site we use to advertise.

...

Rental Management Support Contact Amy at (818) 466-2152

Maintenance and Building Development contact Brandon at (818) 446-2151

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1 4. On or about July 6, 2018, the Department received a complaint from P.C.<sup>1</sup> and A.K.  
2 concerning Respondents.

3 5. P.C. and A.K. own the real property located at 1219 Granville Avenue, Los Angeles,  
4 California ("Granville property") and 1403 Westgate Avenue, Los Angeles, California  
5 ("Westgate property"). Both the Granville and Westgate properties consist of nine (9) units  
6 each.

7 4. On January 2, 2015, P.C. signed a property management agreement dated December  
8 28, 2014, with Respondent B.A.R. Enterprises, LLC. The agreement authorized B.A.R.  
9 Enterprises, LLC to "negotiate rents, enter into rental agreements, to collect and deposit rents  
10 in the master trust account," and "to make payments from [the trust] account which, in the  
11 judgment of the agent, are necessary for advertising, marketing, insurance, legal  
12 representation, maintenance, and other expenses of operation." Respondent B.A.R.  
13 Enterprises, LLC charged a management fee for its services of 4.5% of the monthly receipts  
14 from the property and an occasional additional charge of \$100.00 for supervising the "make-  
15 over/re-rental process" at each vacancy.

16 5. Respondents opened one bank account at Wells Fargo for the Granville property. The  
17 name of the bank account was "B.A.G. Property Management, Granville Property" with  
18 account number xxxxxx4200. Respondents opened one bank account at Wells Fargo for the  
19 Westgate property. The name of the bank account was "B.A.G. Property Management  
20 Rochester/Westgate" with account number xxxxxx4218. P.C. had "read-only" access to the  
21 two bank accounts.

22 6. Respondents deposited rent payments for the Granville and Westgate properties into  
23 the two bank accounts at Wells Fargo.

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25  
26 <sup>1</sup> Initials are used in place of individual's full name to protect their privacy. Documents containing individual's full  
27 name will be provided during the discovery phase of this case to Respondent and/or his attorney(s), after service of a  
timely and proper request for discovery on Department's counsel

1 7. Respondents withdrew their management fees from the two bank accounts at Wells  
2 Fargo for the Granville and Westgate properties.

3 CONCLUSIONS OF LAW

4 8. Based on the information contained in Paragraphs 1 through 7 above, B.A.R.  
5 ENTERPRISES, LLC, B.A.G. PROPERTY MANAGEMENT, and AMY A. JACKSON, doing  
6 business as BAR Property Management, acting by themselves, or by and/or through one or more  
7 agents, associates, affiliates, and/or co-conspirators, did one or more of the following acts for  
8 another or others, for or in expectation of compensation: lease or rent or offer to lease or rent, or  
9 place for rent, or solicit listings of places for rent, or solicit for prospective tenants, or collect  
10 rents from real property, or improvements thereon, all of which requires a real estate license  
11 under Section 10131(b) of the Code, when Respondents were not licensed by the Department to  
12 conduct such activities, in violation of Section 10130 of the Code.

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ORDER TO DESIST AND REFRAIN

1 DESIST AND REFRAIN ORDER

2 Based on the Findings of Fact and Conclusions of Law stated herein:

3 B.A.R. ENTERPRISES, LLC, B.A.G. PROPERTY MANAGEMENT, and AMY A.  
4 JACKSON, doing business as BAR Property Management, whether doing business under any  
5 other name, or any fictitious name, ARE HEREBY ORDERED to immediately desist and refrain  
6 from performing any acts within the State of California for which a real estate broker license is  
7 required, and in particular, doing one or more of the following acts for another or others, for or in  
8 expectation of compensation: lease or rent or offer to lease or rent, or place for rent, or solicit  
9 listings of places for rent, or solicit for prospective tenants, or collect rents from real property, or  
10 improvements thereon, or engage in rental property management activities of any kind  
11 whatsoever unless and until Respondents obtain a real estate broker license issued by the  
12 Department.

13 DATED: July 29 2019.

14  
15 DANIEL J. SANDRI  
16 ACTING REAL ESTATE COMMISSIONER

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18

19 cc: B.A.R. ENTERPRISES, LLC  
20 B.A.G. PROPERTY MANAGEMENT  
21 AMY A. JACKSON

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

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