

(Sacto)

1 Department of Real Estate
2 320 West 4th Street, Suite 350
3 Los Angeles, California 90013
4 Telephone: (213) 576-6982

FILED

JUN 17 2021

DEPT. OF REAL ESTATE
By [Signature]

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

11 To:)	No. H-42045 LA
12 GIL MONTES DE OCA)	<u>ORDER TO DESIST</u>
13)	<u>AND REFRAIN</u>
14)	(B&P Code section 10086)
15)	

16 The Commissioner ("Commissioner") of the California Department of Real
 17 Estate caused an investigation to be made of the activities of GIL MONTES DE OCA
 18 ("MONTES DE OCA"), has determined that MONTES DE OCA has engaged in acts or
 19 practices constituting violations of the California Business and Professions Code, including, but
 20 not limited to, engaging in operating a real property management company by leasing, renting,
 21 and/or offering to rent places for rent, soliciting for prospective tenants, and/or collecting rents
 22 from real property, which are activities requiring a real estate license in the State of California
 23 within the meaning of California Business and Professions Code section 10131(b). Based on
 24 the findings of that investigation, set forth below, the Commissioner hereby issues the
 25 following Findings of Fact, Conclusions of Law, and Desist and Refrain Order pursuant to
 26 California Business and Professions Code section 10086.

1 Whenever acts referred to below are attributed to MONTES DE OCA, those acts
2 are alleged to have been done by Respondents acting by herself or by and/or through one or
3 more agents, associates, affiliates, and/or co-conspirators, and any fictitious names known and
4 unknown at this time.

5
6 FINDINGS OF FACT

7 1. On or about May 21, 1992 to May 20, 1996, MONTES DE OCA was
8 licensed with a real estate salesperson license by the Department of Real Estate. At no other
9 time has MONTES DE OCA been licensed by the Department of Real Estate in any capacity.

10 2. From on or about 2007 through the present, MONTES DE OCA has
11 been providing real estate property management services that require a real estate license.
12 These activities include, but are not limited to, advertising rental properties, accepting
13 applications from tenants, entering into property management agreements, and charging and
14 collecting rent monies and other fees.

15 3. The property management services described in Paragraph 2, above,
16 include property management services for 13512 Moorpark St., Sherman Oaks, CA 91423,
17 which is owned by Fuller Investment, LP. MONTES DE OCA is not now or has ever been an
18 owner and/or officer of Fuller Investment, LP.

19
20 CONCLUSIONS OF LAW

21 Based on the information contained in the Findings of Facts, Paragraphs 1
22 through 3, above, GIL MONTES DE OCA, acting by himself, or by and/or through one or
23 more agents, associates, affiliates, and/or co-conspirators solicited real property management
24 contracts and collected a fee to do one or more of the following acts for another or others, for or
25 in expectation of compensation: lease or rent or offer to lease or rent, or place for rent, or solicit
26 listings of places for rent, or solicit for prospective tenants, or collect rents from real property,
27 or improvements thereon, all of which requires a real estate license under California Business

1 and Professions Code section 10131(b), when MONTES DE OCA was not licensed by the
2 Department of Real Estate to conduct such activities, in violation of California Business and
3 Professions Code section 10130.

4
5 **DESIST AND REFRAIN ORDER**

6 Based upon the Findings of Facts and Conclusions of Law stated herein, IT IS
7 **HEREBY ORDERED THAT:**

8 GIL MONTES DE OCA, whether under his own name or under any other name,
9 immediately desist and refrain from performing any acts within the State of California for
10 which a real estate broker license is required, and in particular, doing one or more of the
11 following acts for another or others, for or in expectation of compensation: lease or rent or offer
12 to lease or rent, or place for rent, or solicit listings of places for rent, or solicit for prospective
13 tenants, or collect rents from real property, or improvements thereon, or engage in rental
14 property management activities of any kind whatsoever unless and until GIL MONTES DE
15 OCA obtains a real estate broker license by the Department of Real Estate.

16 DATED: Ce-3-21 , 2021.

17 DOUGLAS R. McCAULEY
18 REAL ESTATE COMMISSIONER

19
20 *Douglas R. McCauley*

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

26 Gil Montes De Oca
13522 Moorpark St., #5
27 Sherman Oaks, CA 91423