

1 LISSETE GARCIA, Counsel (SBN 211552)  
Department of Real Estate  
2 320 West 4th Street, Suite 350  
Los Angeles, California 90013-1105  
3 Telephone:(213) 576-6982  
Direct: (213) 576-6914  
4 Fax: (213) 576-6917  
*Attorney for Department of Real Estate*

**FILED**  
NOV 15 2021  
DEPT. OF REAL ESTATE  
By *[Signature]*

5  
6  
7  
8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation against DRE No. H-42076 LA  
12 E. OLUFUNMILAYO OGUNLALAKA, ACCUSATION  
13 Respondent.

14  
15 The Complainant, Veronica Kilpatrick, a Supervising Special Investigator for the  
16 Department of Real Estate<sup>1</sup> (“Department”) of the State of California, makes this Accusation in  
17 her official capacity for cause of Accusation against E. OLUFUNMILAYO OGUNLALAKA  
18 (“Respondent”), is informed and alleges as follows:

- 19 1. All references to the “Code” are to the California Business and Professions Code and  
20 all references to “Regulations” are to the Regulations of the Real Estate Commissioner, Title 10,  
21 Chapter 6, California Code of Regulations.

22 ///

23  
24 <sup>1</sup> Between July 1, 2013 and July 1, 2018, the Department of Real Estate operated as the Bureau of Real Estate under the Department of Consumer Affairs.

1 Statutory Provisions

2 Fictitious Names

3 2. Code section 10159.5 provides:

4 “(a) (1) Every person applying for a license under this chapter who desires  
5 to have the license issued under a fictitious business name shall file with his or  
6 her application a certified copy of his or her fictitious business name statement  
7 filed with the county clerk pursuant to Chapter 5 (commencing with Section  
8 17900) of Part 3 of Division 7.

7 (2) A responsible broker may, by contract, permit a salesperson to do all  
8 of the following:

8 (A) File an application on behalf of a responsible broker with a  
9 county clerk to obtain a fictitious business name.

9 (B) Deliver to the bureau an application, signed by the responsible  
10 broker, requesting the bureau’s approval to use a county approved fictitious  
11 business name that shall be identified with the responsible broker’s license  
12 number.

11 (C) Pay for any fees associated with filing an application with a  
12 county or the bureau to obtain or use a fictitious business name.

12 (D) Maintain ownership of a fictitious business name, as defined in  
13 paragraph (2) of subdivision (a) of Section 10159.7, that may be used subject to  
14 the control of the responsible broker.

14 (b)(1) A salesperson using a fictitious business name authorized by  
15 subdivision (a), shall use that name only as permitted by his or her responsible  
16 broker.

16 (2) This section does not change a real estate broker’s duties under  
17 this division to supervise a salesperson.

17 (c) A person applying to a county for a fictitious business name pursuant  
18 to subdivision (a) may file his or her application in the county or counties where  
19 the fictitious business name will be used.

19 (d) Advertising and solicitation materials, including business cards, print  
20 or electronic media and “for sale” signage, using a fictitious business name  
21 obtained in accordance with paragraph (2) of subdivision (a) shall include the  
22 responsible broker’s identity, as defined in paragraph (1) of subdivision (a) of  
23 Section 10159.7, in a manner equally as prominent as the fictitious business  
24 name.

23 (e) Notwithstanding subdivision (b) of Section 10140.6, advertising and  
24 solicitation materials, including print or electronic media and “for sale” signage,  
containing a fictitious business name obtained in accordance with paragraph (2)

1 of subdivision (a) shall include the name and license number of the salesperson  
2 who is using the fictitious business name.

3 (f) Notwithstanding Section 10185, a violation of this section is not a  
4 misdemeanor.”

5 3. Regulation 2731 provides:

6 “(a) A licensee shall not use a fictitious name in the conduct of any  
7 activity for which a license is required under the Real Estate Law unless the  
8 licensee is the holder of a license bearing the fictitious name.

9 (b) The Bureau shall issue a license required under the Real Estate Law  
10 only in the legal name of the licensee or in the fictitious business name of a broker  
11 who presents evidence of having complied with the provisions of Sections 17910  
12 and 17917 of the Code.

13 (c) The commissioner may refuse to issue a license bearing a fictitious  
14 name to a broker if the fictitious name:

15 (1) Is misleading or would constitute false advertising.

16 (2) Implies a partnership or corporation when a partnership or  
17 corporation does not exist in fact.

18 (3) Includes the name of a real estate salesperson.

19 (4) Constitutes a violation of the provisions of Sections 17910,  
20 17910.5, 17913 or 17917 of the Code.

21 (5) Is the name formerly used by a licensee whose license has since  
22 been revoked.

23 (d) A license may not be issued or renewed with a fictitious business name  
24 containing the term “escrow”, or any name which implies that escrow services are  
provided, unless the fictitious business name includes the term, “a non-  
independent broker escrow” following the name. Licensees who have been or are  
issued a license with a fictitious business name with the term “escrow”, or any  
term which implies that escrow services are provided, must include the term “a  
non-independent broker escrow” in any advertising, signs, or electronic  
promotional material.

(e) Where a licensee is a natural person, the use of a nickname in place of  
his or her legal given name (first name) shall not constitute a fictitious name for  
purposes of this section, provided that where the nickname is used, the licensee  
also uses as a surname (last name) his or her surname as it appears on his or her  
real estate license, and includes his or her Bureau-issued license identification  
number as required by Section 10140.6 of the Code.”

23 ///

24 ///

1 Disclosure of Licensed Status in Advertising

2 4. Code section 10140.6 provides:

3 “(a) A real estate licensee shall not publish, circulate, distribute, or cause  
4 to be published, circulated, or distributed in any newspaper or periodical, or by  
5 mail, any matter pertaining to any activity for which a real estate license is  
6 required that does not contain a designation disclosing that he or she is  
7 performing acts for which a real estate license is required.

8 (b) (1) A real estate licensee shall disclose his or her name, license  
9 identification number and unique identifier assigned to that licensee by the  
10 Nationwide Mortgage Licensing System and Registry, if that licensee is a  
11 mortgage loan originator, and responsible broker’s identity, as defined in Section  
12 10015.4, on all solicitation materials intended to be the first point of contact with  
13 consumers and on real property purchase agreements when acting in a manner  
14 that requires a real estate license or mortgage loan originator license endorsement  
15 in those transactions. The commissioner may adopt regulations identifying the  
16 materials in which a licensee must disclose a license identification number and  
17 unique identifier assigned to that licensee by the Nationwide Mortgage Licensing  
18 System and Registry, and responsible broker’s identity.

19 (2) For purposes of this section, “solicitation materials” include business  
20 cards, stationery, advertising flyers, advertisements on television, in print, or  
21 electronic media, “for sale,” rent, lease, “open house,” and directional signs, and  
22 other materials designed to solicit the creation of a professional relationship  
23 between the licensee and a consumer.

24 (3) Nothing in this section shall be construed to limit or change the  
requirement described in Section 10236.4 as applicable to real estate brokers.

(c) This section shall not apply to “for sale,” rent, lease, “open house,” and  
directional signs that do either of the following:

(1) Display the responsible broker’s identity, as defined in Section  
10015.4, without reference to an associate broker or licensee.

(2) Display no licensee identification information.

(d) “Mortgage loan originator,” “unique identifier,” and “Nationwide  
Mortgage Licensing System and Registry” have the meanings set forth in Section  
10166.01.

(e) This section shall become operative on January 1, 2018.”

23 ///

24 ///

1 5. Regulation 2773 provides, in pertinent parts, as follows:

2 “(a) A real estate broker or salesperson, when engaging in acts for which a  
3 license is required, shall disclose its, his or her eight (8) digit real estate license  
4 identification number and responsible broker's name as currently licensed, and  
5 may, but is not required to, also include the responsible broker's license  
6 identification number, on all solicitation materials intended to be the first point of  
7 contact with consumers. If the name of more than one licensee appears in the  
8 solicitation, the license identification number of each licensee shall be disclosed.

9 The license identification numbers of responsible brokers or corporate  
10 brokers whose names, logos or trademarks appear on solicitation materials along  
11 with the names and license numbers of salespersons or broker associates do not  
12 need to appear on those materials. If the advertising is in written form, the type  
13 size of the license identification number shall be no smaller than the smallest size  
14 type used in the solicitation material.

15 Solicitation materials intended to be the first point of contact with  
16 consumers, and in which a licensee must disclose a license identification number,  
17 include the following:

- 18 (1) Business cards;
- 19 (2) Stationery;
- 20 (3) Websites owned, controlled, and/or maintained by the soliciting real  
21 estate licensee;
- 22 (4) Promotional and advertising flyers, brochures, postal mail, leaflets, and  
23 any marketing or promotional materials designed to solicit the creation of  
24 a professional relationship between the licensee and a consumer, or which  
is intended to incentivize, induce or entice a consumer to contact the  
licensee about any service for which a license is required;
- (5) Advertisements in electronic media (including, without limitation,  
internet, email, radio, cinema, and television advertisements, and the  
opening section of streaming video and audio);
- (6) Print advertising in any newspaper or periodical; and
- (7) "For sale," "for rent," "for lease," "open house," and directional signs  
that display the name of the licensee.

(c) ‘Advertisements in electronic media’ that constitute a first point of contact  
solicitation are those advertisements that a licensee purchases or directly places  
on an electronic platform, where the licensee controls the content and presentation  
of the advertisement, and which include information that is intended to enable  
consumers to directly contact the licensee. Instances where another party controls  
the content and visual presentation of the licensee’s information on a platform are  
excluded from ‘advertisements in electronic media,’ except where the licensee  
subsequently adopts the content and presentation of the content by distributing or  
forwarding the advertisement to a consumer.”

1 Notice of Mortgage Loan Originator Activity

2 6. Code section 10166.02 provides, in pertinent parts, as follows:

3 “(a) A real estate broker who acts pursuant to Section 10131.1 or  
4 subdivision (d) or (e) of Section 10131, and who makes, arranges, or services  
5 loans secured by real property containing one to four residential units, and any  
6 salesperson who acts in a similar capacity under the supervision of that broker,  
7 shall notify the department by January 31, 2010, or within 30 days of  
8 commencing that activity, whichever is later. The notification shall be made in  
9 writing, as directed, on a form that is acceptable to the commissioner.

10 (b) No individual may engage in business as a mortgage loan originator  
11 under this article without first doing both of the following:

12 (1) Obtaining and maintaining a real estate license pursuant to  
13 Article 2 (commencing with Section 10150).

14 (2) Obtaining and maintaining a real estate license endorsement  
15 pursuant to this article identifying that individual as a licensed mortgage  
16 loan originator.

17 (c) License endorsements shall be valid for a period of one year and shall  
18 expire on the 31st of December each year.

19 (d) Applicants for a mortgage loan originator license endorsement shall  
20 apply in a form prescribed by the commissioner. Each form shall contain content  
21 as set forth by rule, regulation, instruction, or procedure of the commissioner.

22 (f) A real estate broker or salesperson who fails to notify the department  
23 pursuant to subdivision (a), or who fails to obtain a license endorsement required  
24 pursuant to paragraph (2) of subdivision (b), shall be assessed a penalty of fifty  
dollars (\$50) per day for each day written notification has not been received or a  
license endorsement has not been obtained, up to and including the 30th day after  
the first day of the assessment penalty. On and after the 31st day, the penalty is  
one hundred dollars (\$100) per day, not to exceed a total penalty of ten thousand  
dollars (\$10,000), regardless of the number of days, until the department receives  
the written notification or the licensee obtains the license endorsement. Penalties  
for violations of subdivisions (a) and (b) shall be additive.

(g) The commissioner may suspend or revoke the license of a real estate  
broker or salesperson who fails to pay a penalty imposed pursuant to this section.  
In addition, the commissioner may bring an action in an appropriate court of this  
state to collect payment of that penalty.

(h) All penalties paid or collected under this section shall be deposited into  
the Consumer Recovery Account of the Real Estate Fund and shall, upon  
appropriation by the Legislature, be available for expenditure for the purposes  
specified in Chapter 6.5 (commencing with Section 10470).”

1 Place of Business: Contact Information

2 7. Code section 10162 provides:

3 “(a) Every licensed real estate broker shall have and maintain a definite  
4 place of business in the State of California that serves as his or her office for the  
5 transaction of business. This office shall be the place where his or her license is  
6 displayed and where personal consultations with clients are held.

7 (b) A real estate license does not authorize the licensee to do business  
8 except from the location stipulated in the real estate license as issued or as altered  
9 pursuant to Section 10161.8.

10 (c) (1) Every real estate broker and salesperson licensee shall provide to  
11 the commissioner his or her current office or mailing address, a current telephone  
12 number, and a current electronic mail address that he or she maintains or uses to  
13 perform any activity that requires a real estate license, at which the bureau may  
14 contact the licensee.

15 (2) Every real estate broker and salesperson licensee shall inform the  
16 commissioner of any change to his or her office or mailing address, telephone  
17 number, or electronic mail address no later than 30 days after making the change.

18 (d) Notwithstanding Section 10185, a violation of this section is not a  
19 misdemeanor.”

20 8. Regulation 2715 provides:

21 “Every real estate broker, except a broker acting in the capacity of a  
22 salesperson to another broker under written agreement, shall maintain on file with  
23 the commissioner the address of his or her principal place of business for  
24 brokerage activities, the address of each branch business office and his or her  
current mailing address, if different from the business address.

Every broker who is acting in the capacity of a salesperson to another broker  
under written agreement shall maintain on file with the Commissioner the address  
of the business location where he or she expects to conduct most of the activities  
for which a license is required and his or her current mailing address.

A real estate salesperson shall maintain on file with the Commissioner his or her  
current mailing address, and when applicable, the address of the principal  
business office of the responsible broker to whom the salesperson is at the time  
licensed.

Whenever there is a change in the location or address of the principal place of  
business or of a branch office of a broker, that broker shall notify the  
Commissioner thereof not later than the next business day following the change.

1 This section shall apply to those who are licensed and to those who have license  
2 rights under Section 10201 of the Code.

3 Note: Authority cited: Section 10080, Business and Professions Code. Reference:  
4 Sections 10162, 10163 and 10201, Business and Professions Code.”

5 Statement of Facts

6 9. Respondent is presently licensed and/or has license rights under the Real Estate  
7 Law (Part 1 of Division 4 of the California Business and Professions Code).

8 10. On or about March 09, 1994, the Department issued a real estate broker license  
9 to Respondent, License ID 01163844.

10 11. Unless renewed, Respondent’s license is scheduled to expire on March 08, 2022.  
11 Respondent has renewal rights pursuant to Code section 10201. The Department retains  
12 jurisdiction pursuant to Code section 10103.

13 12. At all times relevant herein, Respondent was only licensed to do business as  
14 “Earthscape Financial Services” and “Earthscape Realty.”

15 13. Ed Layo has never been licensed in any capacity by the Department.

16 14. Respondent has never been licensed by the Department to do business as  
17 “realestateworlds.com,” “Earthscape Real Estate Financing,” or “Ed Layo.”

18 15. Respondent has never been issued a mortgage loan originator license  
19 endorsement.

20 16. For an unknown period of time which includes April 7, 2021 through the present,  
21 Respondent has maintained the website: “[www.realestateworlds.com](http://www.realestateworlds.com)” on which Respondent has  
22 advertised services which require a real estate license pursuant to Code section 10131. On said  
23 website, Respondent uses the following unlicensed fictitious business names:

24 “realestateworlds.com,” “Earthscape Real Estate Financing,” and “Ed Layo”, in violation of  
Code section 10159.5 and Regulation 2731, subdivision (e).





1 constitutes cause for the suspension or revocation of all licenses and license rights of  
2 Respondent pursuant to Code sections 10166.02 and 10177, subdivisions (d) and/or (g).


3 23. Respondent's failure to maintain a valid, definite, principal business address  
4 listed with the Department, as described above in Paragraph 19, constitutes cause for the  
5 suspension or revocation of all licenses and license rights of Respondent pursuant to Regulation  
6 2715 and Code sections 10162, 10165, and 10177, subdivisions (d) and/or (g).

7 Investigation and Enforcement Costs

8 24. Code section 10106 provides, in pertinent part, that in any order issued in  
9 resolution of a disciplinary proceeding before the Department of Real Estate, the Commissioner  
10 may request the administrative law judge to direct a licensee found to have committed a  
11 violation of this part to pay a sum not to exceed the reasonable costs of the investigation and  
12 enforcement of the case.

13 WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this  
14 Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action  
15 against all licenses and/or license rights of Respondents under the Real Estate Law (Part 1 of  
16 Division 4 of the Business and Professions Code), for the cost of investigation and enforcement  
17 as permitted by law, and for such other and further relief as may be proper under other  
18 provisions of law.

19 Dated at San Diego, California this 5 day of November, 2021.

21   
22 VERONICA KILPATRICK  
23 Supervising Special Investigator

23 cc: E. Olufunmilayo Ogunlaka  
24 Veronica Kilpatrick  
Sacto.