

JAN 31 2022

By *[Signature]*

STATE OF CALIFORNIA

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In the Matter of the Accusation against:                 )  
E. OLUFUNMILAYO OGUNLALAKA,                             )         DRE No. H-42076 LA  
Respondent.   )

This Decision is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on January 11, 2022, and the Findings of Fact set forth herein, which are based on one or more of the following: (1) The express admissions of Respondent, E. OLUFUNMILAYO OGUNLALAKA (“Respondent”); (2) affidavits; and (3) other evidence.

Pursuant to Government Code Section 11521, the California Department of Real Estate (“the Department”) may order reconsideration of this Decision on petition of any party. The party seeking reconsideration shall set forth new facts, circumstances, and evidence, or errors in law or analysis, that show(s) grounds and good cause for the Commissioner to reconsider the Decision. If new evidence is presented, the party shall specifically identify the new evidence and explain why it was not previously presented. The Department’s power to order reconsideration of this Decision shall expire 30 days after mailing of this Decision, or on the effective date of this Decision, whichever occurs first. The right to reinstatement of a revoked real estate license, or to the reduction of a penalty, is controlled by Section 11522 of the Government Code. A copy of Government Code Sections 11521 and 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of respondent.

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## FINDINGS OF FACT

1.

On November 5, 2021, Veronica Kilpatrick made the Accusation in her official capacity as a Supervising Special Investigator of the Department. The Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified mail, return receipt requested, to Respondent's last known mailing address on file with the Department on November 15, 2021.

2.

On January 11, 2022, no Notice of Defense having been received or filed herein within the time prescribed by Section 11506 of the Government Code, Respondent's default was entered herein.

3.

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

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

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

3. At all times relevant herein, Respondent was only licensed to do business as "Earthscape Financial Services" and "Earthscape Realty."

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

5. Respondent has never been licensed by the Department to do business as "realestateworlds.com," "Earthscape Real Estate Financing," or "Ed Layo."

6. Respondent has never been issued a mortgage loan originator license endorsement.

7. For an unknown period of time which includes April 7, 2021 through the present, Respondent has maintained the website: "[www.realestateworlds.com](http://www.realestateworlds.com)" on which Respondent has advertised services which require a real estate license pursuant to Code section 10131. On said website, Respondent uses the following unlicensed fictitious business names: realestateworlds.com," "Earthscape Real Estate Financing," and "Ed Layo", in violation of Code section 10159.5 and Regulation 2731, subdivision (e).

8. On said, website, Respondent also fails to list or display Respondent's real estate license number in violation of Code section 10140.6 and Regulation 2773.

9. Furthermore, on Respondent's website, Respondent claims to be an "Independent Mortgage Broker" and advertises services that require a mortgage loan originator license endorsement including, but not limited to, soliciting mortgage loan applications, in violation of Code section 10166.02.

10. For an unknown period of time which includes October of 2020 through the present, Respondent's main office address of record listed with the Department has been a post office box or an invalid address, including, but not limited to, the following address: 564 Summit Avenue Box 91566, Pasadena, California 91109-1566. Said address is an invalid, physical address and not the definite principal place of business used by Respondent to conduct activities that require a real estate license, in violation of Code section 10162 and Regulation 2715.

4.

To date, the Department has incurred Investigation and Enforcement costs totaling \$2,091.60.

5.

Attached as Exhibit "A" is a true and correct copy of the Accusation filed on November 15, 2021, which is incorporated herein as part of this Decision.

#### DETERMINATION OF ISSUES

1.

The allegations contained in the Accusation, incorporated herein by reference made in the Accusation, Paragraphs 1 through 10 above, constitute cause for the suspension or revocation of all the licenses and license rights of Respondent under the provisions of Sections 10140.6 10159.5, 10162, 10165, 10166.02, 10177, subdivisions (d) and/or (g), and Regulation 2715, 2731, and 2773 of the Business and Professions Code.

2.

The standard of proof applied was clear and convincing evidence to a reasonable certainty.

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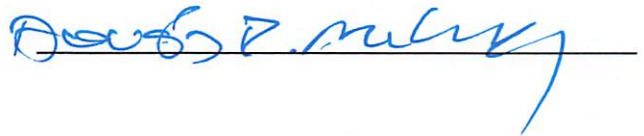
ORDER

All licenses and licensing rights of Respondent E. OLUFUNMILAYO OGUNLALAKA under the provisions of Part I of Division 4 of the Business and Professions Code are revoked.

This Decision shall become effective at 12 o'clock noon on 3/2/2022.

DATED: 1.21.22.

DOUGLAS R. McCAULEY  
REAL ESTATE COMMISSIONER



1 Department of Real Estate  
2 320 West Fourth St, Ste 350  
3 Los Angeles, CA, 90013

**FILED**

**JAN 11 2022**

**DEPT. OF REAL ESTATE**

By *R. P. [Signature]*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of: ) DRE NO. *H-42076 LA*  
12 )  
13 E OLUFUNMILAYO OGUNLALAKA, ) DEFAULT ORDER  
14 )  
Respondent. )

15 Respondent E OLUFUNMILAYO OGUNLALAKA, having failed to file a  
16 Notice of Defense within the time required by Section 11506 of the Government Code, is  
17 now in default. It is, therefore, ordered that a default be entered on the record in this matter.

18 IT IS SO ORDERED JAN 11 2022.

19 DOUGLAS R. McCAULEY  
20 REAL ESTATE COMMISSIONER

21  
22 By: *[Signature]*  
23 CHIKA SUNQUIST  
24 Assistant Commissioner, Enforcement  
25  
26  
27

FILED

NOV 15 2021

DEPT. OF REAL ESTATE

By *[Signature]*

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 Attorney for Department of Real Estate

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
 9 STATE OF CALIFORNIA

\* \* \*

11 In the Matter of the Accusation against

DRE No. H-42076 LA

12 E. OLUFUNMILAYO OGUNLALAKA,s

ACCUSATION

13 Respondent.

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:s

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

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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.

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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."

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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."

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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  
25        is intended to incentivize, induce or entice a consumer to contact the  
26        licensee about any service for which a license is required;  
27           (5) Advertisements in electronic media (including, without limitation,  
28        internet, email, radio, cinema, and television advertisements, and the  
29        opening section of streaming video and audio);  
30           (6) Print advertising in any newspaper or periodical; and  
31           (7) "For sale," "for rent," "for lease," "open house," and directional signs  
32        that display the name of the licensee.

33           (c) 'Advertisements in electronic media' that constitute a first point of contact  
34        solicitation are those advertisements that a licensee purchases or directly places  
35        on an electronic platform, where the licensee controls the content and presentation  
36        of the advertisement, and which include information that is intended to enable  
37        consumers to directly contact the licensee. Instances where another party controls  
38        the content and visual presentation of the licensee's information on a platform are  
39        excluded from 'advertisements in electronic media,' except where the licensee  
40        subsequently adopts the content and presentation of the content by distributing or  
41        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,  
shall notify the department by January 31, 2010, or within 30 days of  
commencing that activity, whichever is later. The notification shall be made in  
writing, as directed, on a form that is acceptable to the commissioner.

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

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

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

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

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

14 (f) A real estate broker or salesperson who fails to notify the department  
15 pursuant to subdivision (a), or who fails to obtain a license endorsement required  
pursuant to paragraph (2) of subdivision (b), shall be assessed a penalty of fifty  
16 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  
17 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  
18 dollars (\$10,000), regardless of the number of days, until the department receives  
the written notification or the licensee obtains the license endorsement. Penalties  
19 for violations of subdivisions (a) and (b) shall be additive.

20 (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.  
21 In addition, the commissioner may bring an action in an appropriate court of this  
state to collect payment of that penalty.

22 (h) All penalties paid or collected under this section shall be deposited into  
23 the Consumer Recovery Account of the Real Estate Fund and shall, upon  
appropriation by the Legislature, be available for expenditure for the purposes  
24 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).

17. On said website, Respondent also fails to list or display Respondent's real estate license number in violation of Code section 10140.6 and Regulation 2773.

18. Furthermore, on Respondent's website, Respondent claims to be an "Independent Mortgage Broker" and advertises services that require a mortgage loan originator license endorsement including, but not limited to, soliciting mortgage loan applications, in violation of Code section 10166.02.

19. For an unknown period of time which includes October of 2020 through the present, Respondent's main office address of record listed with the Department has been a post office box or an invalid address, including, but not limited to, the following address: 564 Summit Avenue Box 91566, Pasadena, California 91109-1566. Said address is an invalid, physical address and not the definite principal place of business used by Respondent to conduct activities that require a real estate license, in violation of Code section 10162 and Regulation 2715.

### Causes for Discipline

20. Respondent's use of unlicensed fictitious names to advertise activities requiring a real estate license, as described above in Paragraphs 12 through 16, constitutes cause for the suspension or revocation of all licenses and license rights of Respondent pursuant to Regulation 2731 and Code sections 10159.5 and 10177, subdivisions (d) and/or (g).

21. Respondent's failure to list or display Respondent's real estate license number on advertising, as described above in Paragraph 17, constitutes cause for the suspension or revocation of all licenses and license rights of Respondent pursuant to Regulation 2773 and Code sections 10140.6 and 10177, subdivisions (d) and/or (g).

**22. Respondent's offer to engage in mortgage loan originator activities without first obtaining a mortgage loan originator license endorsement, as described above in Paragraph 18.**

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  
Supervising Special Investigator

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