

## Communication from Public

**Name:** Geary Juan Johnson

**Date Submitted:** 02/16/2023 02:29 PM

**Council File No:** 23-1200-S7

**Comments for Public Posting:** CIVIL RIGHTS, EQUITY, IMMIGRATION, AGING AND DISABILITY COMMITTEE Friday, February 17, 2023 JOHN FERRARO COUNCIL CHAMBER, ROOM 340, CITY HALL - 1:00 PM 200 NORTH SPRING STREET, LOS ANGELES, CA 90012 MEMBERS: COUNCILMEMBER HUGO SOTO-MARTÍNEZ, CHAIR COUNCILMEMBER HEATHER HUTT COUNCILMEMBER EUNISSES HERNANDEZ COUNCILMEMBER CURREN D. PRICE, JR COUNCILMEMBER MONICA RODRIGUEZ (Michael Espinosa - Legislative Assistant - (213) 978-1064 or michael.espinosa@lacity.org) Dear Committee: I believe I am entitled to civil rights. I believe I am entitled to equity. I am an aged person that suffers from a disability. Yet by the actions of Mayor Karen Bass, the authority of your committee does not seem to apply to me. See email attached sent 1:53 pm at Feb. 15, 2023: "Fw: Contact from your maintenance contractor re repairs needed at 1522 Hi Point St 9 at 90035. Intercom and tandem parking still denied". (Feb 15 Email on Power Call From Ben for Committee). In the city of Los Angeles, I ask you: what are the qualifications to receiving a working intercom in this rent controlled building; what are the qualifications to receiving a tandem parking stall in this rent controlled building? Is there are an application process where I can apply? Also see attached "2023-2-1 Scanned Real Estate Complaint w/o Exhibits" against Power Property Management Inc. asking for revocation of real estate license. DRE #01866167 and DRE #01443898.

Fw: Contact from your maintenance contractor re repairs needed at 1522 Hi Point St 9 at 90035. Intercom and tandem parking still denied

---

From: G Johnson (tainmount@sbcglobal.net)

To: susan.strick@lacity.org; contact.center@dfeh.ca.gov; shou.committee@senate.ca.gov; mayor.helpdesk@lacity.org; lahd.rso.central@lacity.org; hcidla.reap@lacity.org; paul.krekorian@lacity.org; councilmember.price@lacity.org; councilmember.harris-dawson@lacity.org; councilmember.lee@lacity.org; councilmtgitems@santamonica.gov; thomas@powerpropertygrp.com; highpoint1522@gmail.com; brent@powerpropertygrp.com; 09e41e7459a05677911c@powerpropertygroup.mailer.appfolio.us; frontdesk@powerpropertygrp.com; megan@boldpartnersre.com; nisi@powerpropertygrp.com; cityatty.help@lacity.org

Cc: councilmember.hernandez@lacity.org; councilmember.blumenfield@lacity.org; councilmember.raman@lacity.org; councilmember.yaroslavsky@lacity.org; cd10@lacity.org; councilmember.park@lacity.org; councilmember.mcosker@lacity.org; councilmember.soto-martinez@lacity.org

Date: Wednesday, February 15, 2023 at 01:53 PM PST

---

## California Code, Civil Code - CIV § 1954

To whom it may concern:

February 15, 2023 at 1:33 pm

I received a voicemail message from 310-661-8194 from Ben (Renka?) at about 1:25 pm who said he is calling from Power Property Management. He claimed that "the vendor tried to reach out to you and could not get in touch. If you could give them a call back at 323-209-2500 and then we can get all that scheduled. I was actually calling in regards to your stove." **Ben made no mention of the need for intercom repair or replacement, or the request for a tandem parking stall; I consider this as malice, oppression, and fraud and I have asked the California Department of Real Estate to revoke your license.**

Other than the lack of response to the request for intercom repair and tandem parking, and pursuant to the city complaint for landlord harassment, case CE 273 371, if you need to address the stove or the grout please follow the legal procedure and code of civil procedure 1954 and post by writing the required 24 hour notice if you choose to enter the unit to address the stove or opening behind the kitchen sink. You may need to get the resident manager involved, but I have heard from numerous sources there illegally is not a resident manager at this location. I am not available to assist you in entering the unit and I do not verbally waive any rights under section 1954. I do not waive the right to the 24 hour written advance notice. I do not voluntarily consent to entry other than the 24 hour written notice requirements under civil code section 1954, et al.

I suggest you read the city decision under the CE 273 371 case number because refusal to follow civil code section 1954 I do consider harassment.

I trust you can find the required resident manager to handle this. As you know per the rent agreement, the intercom repair is an "agreed repair" that has not happened or been coordinated by the owner or Power Property Management Inc. for years.

Section 6 of the rental agreement : "Renter's "GOOD FAITH" in the assertion of any habitability defense to eviction for nonpayment of rent shall be established. Evidence of Renter's "good faith" shall include, but not be limited to, written proof of Owner's knowledge and opportunity to repair **any claimed housing deficiency** prior to service of an eviction notice, whether by a copy of a request-for-maintenance-demand delivered to Owner or otherwise, and lack of Renter-causation of the claimed housing deficiency.

"Good Condition Receipt: Renter has examined the Premises **including, but not limited to**, the furniture, furnishings, fixtures, appliances and equipment provided by Owner and set out in Section M, windows, doors, plumbing and electrical facilities, hot and cold water supply, building grounds and appurtenances, accepts the same "AS IS" and acknowledges that the same are in good, clean and sanitary order, condition and repair unless noted to the contrary on Owner's copy of this Agreement." (Agreement)

Owner has failed to obtain clearance from the LAHD for change in use of occupancy without building permit and COO in that there are white wires electrical on the exterior of the building presumably for the owner using the premises for the "Just Bring Your Toothbrush" advertised website (and others) where select units at this address are used for hotel home sharing rental rather than as rent controlled units; separate but unequal practices.

The intercom is a housing deficiency that is not in good condition or repair. By the rent agreement, and the owner's numerous notices to enter, the repair of the intercom is an "agreed repair", but one that has been ignored by the owner.

Your alleged repair people should be contacting the resident manager DIRECTLY in order to gain entry to the unit under civil code section 1954.

All rights reserved.

**Geary J. Johnson**  
**1522 Hi Point St 9**  
**Los Angeles CA 90035**  
Phone 323-807-3099

----- Forwarded Message -----

**From:** G Johnson <tainmount@sbcglobal.net>

**To:** contact.center@dfeh.ca.gov <contact.center@dfeh.ca.gov>

**Sent:** Monday, February 13, 2023 at 04:04:01 PM PST

**Subject:** Fw: Contact from your maintenance contractor re repairs needed at 1522 Hi Point St 9 at 90035. Intercom and tandem parking still denied

Please file with CRD cases

DFEH case number 202211-18897616  
 DFEH case number 202211-18872714

**Geary Juan Johnson**

Phone 323-807-3099

----- Forwarded Message -----

**From:** G Johnson <tainmount@sbcglobal.net>

**To:** susan.strick@lacity.org <susan.strick@lacity.org>; contact.center@dfeh.ca.gov <contact.center@dfeh.ca.gov>; shou.committee@senate.ca.gov <shou.committee@senate.ca.gov>; mayor.helpdesk@lacity.org <mayor.helpdesk@lacity.org>; lahd.rso.central@lacity.org <lahd.rso.central@lacity.org>; hcidla.reap@lacity.org <hcidla.reap@lacity.org>; paul.krekorian@lacity.org <paul.krekorian@lacity.org>; councilmember.price@lacity.org <councilmember.price@lacity.org>; councilmember.harris-dawson@lacity.org <councilmember.harris-dawson@lacity.org>; councilmember.lee@lacity.org <councilmember.lee@lacity.org>; councilmtgitems@santamonica.gov <councilmtgitems@santamonica.gov>; thomas@powerpropertygrp.com <thomas@powerpropertygrp.com>; highpoint1522@gmail.com <highpoint1522@gmail.com>; brent@powerpropertygrp.com <brent@powerpropertygrp.com>; 09e41e7459a05677911c@powerpropertygroup.mailer.appfolio.us <09e41e7459a05677911c@powerpropertygroup.mailer.appfolio.us>; frontend@powerpropertygrp.com <frontend@powerpropertygrp.com>; megan@boldpartnersre.com <megan@boldpartnersre.com>; nisi@powerpropertygrp.com <nisi@powerpropertygrp.com>; cityatty.help@lacity.org <cityatty.help@lacity.org>

**Cc:** councilmember.hernandez@lacity.org <councilmember.hernandez@lacity.org>; councilmember.blumenfeld@lacity.org <councilmember.blumenfeld@lacity.org>; councilmember.raman@lacity.org <councilmember.raman@lacity.org>; councilmember.yaroslavsky@lacity.org <councilmember.yaroslavsky@lacity.org>; cd10@lacity.org <cd10@lacity.org>; councilmember.park@lacity.org <councilmember.park@lacity.org>; councilmember.mcosker@lacity.org <councilmember.mcosker@lacity.org>; councilmember.soto-martinez@lacity.org <councilmember.soto-martinez@lacity.org>

**Sent:** Monday, February 13, 2023 at 03:22:11 PM PST

**Subject:** Contact from your maintenance contractor re repairs needed at 1522 Hi Point St 9 at 90035. Intercom and tandem parking still denied

To whom it may concern:

I received a text message from 323-490-3564 that the person wants to address the large opening and grout tomorrow (interior kitchen sink area). I at first thought I might be available but then I realized I cannot be available. I asked the person by text message "I will not be available tomorrow at 9 since this visit does not include repair of the intercom. To gain entry contact the resident manager and post the 24 hour notice."

The caller texted back "So you are not available tomorrow?"

I texted back "That was the English I spoke. By law I do not have to be here. Post the 24 hour notice."

I trust you can find the required resident manager to handle this. As you know per the rent agreement, the intercom repair is an "agreed repair" that has not happened or been coordinated by the owner or Power Property Management Inc. for years.

Section 6 of the rental agreement : "Renter's "GOOD FAITH" in the assertion of any habitability defense to eviction for nonpayment of rent shall be established. Evidence of

Renter's "good faith" shall include, but not be limited to, written proof of Owner's knowledge and opportunity to repair **any claimed housing deficiency** prior to service of an eviction notice, whether by a copy of a request-for-maintenance-demand delivered to Owner or otherwise, and lack of Renter-causation of the claimed housing deficiency.

"Good Condition Receipt: Renter has examined the Premises **including, but not limited to**, the furniture, furnishings, fixtures, appliances and equipment provided by Owner and set out in Section M, windows, doors, plumbing and electrical facilities, hot and cold water supply, building grounds and appurtenances, accepts the same "AS IS" and acknowledges that the same are in good, clean and sanitary order, condition and repair unless noted to the contrary on Owner's copy of this Agreement." (Agreement)

Owner has failed to obtain clearance from the LAHD for change in use of occupancy without building permit and COO in that there are white wires electrical on the exterior of the building presumably for the owner using the premises for the "Just Bring Your Toothbrush" advertised website (and others) where select units at this address are used for hotel home sharing rental rather than as rent controlled units; separate but unequal practices.

The intercom is a housing deficiency that is not in good condition or repair. By the rent agreement, and the owner's numerous notices to enter, the repair of the intercom is an "agreed repair", but one that has been ignored by the owner.

All rights reserved.

**Geary J. Johnson**  
**1522 Hi Point St 9**  
**Los Angeles CA 90035**  
Phone 323-807-3099

1522 HI POINT ST 9  
LOS ANGELES CA 90035  
323-807-3099  
email: tainmount@sbcglobal.net

Wednesday Feb. 1, 2023

Via USPS Priority Mail

\_\_\_\_\_9410 8112 0620 3534 7835 66\_\_\_\_\_

California Department of Real Estate

320 West 4th Street, Suite 350  
Los Angeles, CA 90013-1105

Facsimile 213-620-6442

## Attachment to Real Estate Broker Complaint

List of documents included. All are copies that do not need to be returned. Photos may be included if requested.

The Respondent (s) is     DRE #01866167 and  
                                     DRE #01443898

## Summary

I believe the Respondents have engaged in fraud and dishonest dealing as detailed under the jurisdiction of the State Real Estate Commissioner. The licensees have failed to exercise reasonable supervision in managing the property at 1522 Hi Point St Unit 9, Los Angeles CA 90035. Section 10177 (b) and ( c ) B&P code. Fraud is defined as wrongful or criminal deception intended to result in financial or personal gain (Google). Dishonest is defined as intended to mislead or cheat.

After the course of many years, the respondents have engaged in fraud and dishonest dealing, refusing to provide certain repairs and parking but enriched by rent monies nonetheless.

In 2010, my roommate and I moved into unit 9 at 1522 Hi Point Street 90035. (See rental agreement). At the inception of the tenancy, our unit came with a working intercom and the owner within a day or two assigned us to a two car tandem stall. Over the course of four years, by conduct of the parties we continued to parking a a two car tandem stall #14.

By 2014, the building was sold to new owner Walter Barratt and Hi Point Apts LLC. The new owner discovered the intercom was not working for certain units and decided to install a new system, but only in fifteen of 18 units. Ours was not repaired or replaced as of 2015. The owner reduced our parking to one stall and took away parking for the second car and ignoring the rent agreement. He claimed we could gain back the second stall by paying \$50 per month—-a violation of rent control law—-but at the time we declined his written offer.

From 2014-2019 I requested that the intercom be repaired or replaced but the owner refused. I requested the extra parking stall (or tandem two car stall) and the owner refused or refused to respond. During that time period, the owner entered the unit many times to repair other items: smoke detectors, bathroom sink and shower faucets, resurfacing tub and sink, replacing garbage disposal. All repairs were doing within a few days or hours, and had been reported by myself as tenant. But even though the owner submitted Notice to Enter Premises many times, upon entry the intercom system and need for tandem parking was never addressed. The owner was denying us housing services and preventing tradespersons from providing the services, month after month after month. The city LAHD on December 28, 2022 decision, described the owner inactions as “harassment”. (See attachment).

The rental agreement, section 18, describes as “designation of parties”: owner, manager, agent of the owner, management company, etc. This the respondents herein, holding real estate broker licenses, are bound by the rental agreement with tenants unit 9.

it takes but a few seconds to say, “ We will fix or repair your intercom within the next three days.” Or it takes seconds to say, “We have assigned you to stall #14, which is a tandem parking stall, at no extra charge.” But it has been well over thirty five days since such requests have been made.

Within the last year 2021, Thomas Khammar told a court that he would have to rewire the entire building in order to repair the intercom, and he said we already have a tandem parking stall. Both those statements are false as my intercom is already wired but not connected to the front of the building unit; the parking stall we currently have since 2014 is a one car stall, no room for two cars.

Khammar has refused to deny or admit he made these statements. The statement indicate that I am entitled to a tandem parking stall, and entitled to a working intercom.

The licensees herein have have “failed to exercise reasonable supervision over the activities of that licensee’s salespersons, or, as the officer designated by a corporate broker licensee, failed to exercise reasonable supervision and control of the activities of the corporation for which a real estate license is required,” in that services requested by me as tenant have not been provided.

The licensees herein have “Demonstrated negligence or incompetence in performing an act for which the officer, director, or person is required to hold a license” in accordance with the B&P codes quoted below.

For the act of not provided requested housing services, i.e intercom repairs and tandem/extra secured parking, I request the licenses of licenses be suspended until such time the services requested are provided.

For being declared to be harassing me as tenant, I request that the license of the licenses be permanently revoked on the grounds that the real estate broker license does not authorize them to harass me, such violation declared by the city housing department. See enclosed LAHD decision dated December 28, 2022.

I comment on the attachments: (1) this is an Jan 31, 2023 email sent to the respondents sometimes monthly and sometimes on a weekly basis; (2) this Jan 11 notice to enter premises says "necessary or agreed repairs" but is proof positive that the licensees are negligent, incompetent, failed to exercise reasonable supervision, and engaged in fraud and dishonest dealing in that the notice to perform "agreed repairs" is is not adhered to. (3) one of many rent checks submitted and cashed that say "paid under stress and duress for rent, parking 2 cars and intercom repairs".(4) Dec 8 email sent to licensee Power Property where licensee retaliates against myself for complaining about services and says, ' You have made it your business to interfere with the rights of others to quiet enjoyment, to interfere with the ability of the lessor to rent units at the building, and, as I write above, to defame ownership and management.

All of the rights of ownership and management with respect to your nuisance, your lies, and your defamatory false allegations are reserved. This is the only warning you will receive regarding these defaming lies." The licensee refused to give specifics to justify his positions, which I believe are retaliatory and harassing. The licenses are unable to use their real estate broker license to say, "We are now assigning you a tandem parking stall. We are now repairing your intercom." (5) Email that questions why the city has not ordered a reduction in rent due to reduction in services, (6) Dec. 28 notice of case closure which appears the city government does not want to participate in helping myself to get the services requested, (7) Dec. 13 city "informative letter". (8) Nov 2, 2022 email request for reasonable accommodation. Ignored by licensees. (8) email 10/3/22 denial of services, (9) email details abuse of CC 1950.5(f) by licensees. (10). Fax and receipt July 24 to licensee, (11) Decision and court complaint against previous owner Walter Barratt and against those employed by him including the the licensees herein. The licensees worked for the case defendants at the time period of the complaint. raid is one of the charge made in the complaint see page declaration MC-031 item 16 addresses fraud of the licensees (12) Jan 25 email requesting services, (13) Notice to enter dated Jan 11, (14) Jan 9 2022 email requesting services, (15) Jan 6 Notice to Enter Premises. Agreed repairs as detailed in the rent agreement "including but not limited to" are ignored by the licensees in violation of the B & P codes stated herein, (16) email Dec, 29, 2021(17) email Nov 18, 2021. FBI requested to investigate (18) November 3, 2021 Demand for payment of damages (19) email on refrigerator repair, (20) email Aug 18 2021 with code violation complaint (20) Aug 13 letter where owner authorizes licensees to act as owner (21) Letter announces new management 2021; (22) email July 9 on liability for full and equal housing services for myself (23) email on white privilege to previous owner (24) change of management letter 2017, (25) 2015 order to repair from LA County Health Department Alan Chen. Ignored by the licensees (26) letter 2014 announces new owner (27) rental agreement redacted from 2010. Pictures of the intercom and parking stalls and lot are available and are incorporated herein by reference.



Letter attachment to complaint  
Complaint

Documents:

This list is meant to be indicative but not all inclusive.

Jan 31, 2023. Email at 9:15 am  
Jan. 11, 2023. Notice to Enter Premises  
Jan. 1, 2023. Rent payment from both tenants in unit 9  
Dec. 29, 2022. Email at 9:11 am.  
Dec. 28, 2022. Notice of case closure CE273371 LAHD accusing landlord of harassment.  
Dec. 13, 2022. Informative letter from LAHD re case CE273371.  
Dec. 8, 2022. Email exchange at 11: 00 a.m. On page seven Thomas Khammar threatens :”This is the only warning you will receive regarding these defaming lies.” His DRE listed is 01443898.  
Nov. 2, 2022. Email sent at 9:52 am.  
Oct 3, 2022. Email sent at 9:26 am.  
Jul. 24, 2022. Fax to Power Property Management at 12:55 p.m.  
Feb 16, 2022. Court case decision and complaint filed. Case 21STSC04574. During the time period of this case proceedings, Power Property was the contracted management company maintaining 1522 Hi Point St 90035.  
Jan. 25 2022. Email at 10:17 a.m.  
Jan. 7, 2022. Notice to Enter premises for Jan. 11.  
Jan. 9, 2022. Email at 1:46 p.m.  
Jan. 6, 2022. Notice to Enter Premises for Jan. 8.  
Dec. 29, 2021. Email at 1:38 pm.  
Nov. 18, 2021. Email at 1:50 pm.  
Nov. 3, 2021. Email at 7:36 pm. Demand for payment of damages.  
Oct. 7, 2021. Email at 4:11 p.m.  
Aug 18, 2021. Email at 2:15 pm.  
Aug 13, 2021. Owner Hi Point 1522 LLC authorizes Thomas Khammar to act in their behalf.  
July 9, 2021. Letter from Power Property on ownership change to Hi Point 1522 LLC.  
Jul 9, 2021. Email at 4:10 p.m.  
Apr 29, 2017. Email at 6:47 p.m.  
Apr 28, 2017. Letter on change of management company.  
Dec. 11, 2015. LA County health department orders repair of intercom. Order is ignored.  
Mar. 27, 2014. Notice of property sold from Thomas Khammar.  
Feb 16, 2010. Month to month rent agreement with tenants unit 9.

I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct this 1st day of February 2023.

---

Geary J. Johnson  
1522 Hi Point St 9  
Los Angeles CA 90035

## JURISDICTION OF REAL ESTATE COMMISSIONER

Reference from <https://dre.ca.gov/Consumers/FileComplaint.html>

### What we can do

We investigate complaints against real estate brokers and salespersons accused of misleading or defrauding consumers. If we can prove a violation of the Real Estate Licensing Law, a formal hearing may be held which could result in the revocation or suspension of the agent's license. We investigate complaints against subdividers accused of violating subdivision laws. If we can prove a violation, further sales may be stopped until such time as the violations are corrected. We may be able to facilitate resolution of your dispute or issue. In some instances consumers may obtain assistance from the Department's Complaint Resolution Program to resolve simple complaints involving real estate licensees. For more information see the [Complaint Resolution Program page](#).

### What we Cannot Do

We cannot act as a court of law, so we cannot order that monies be refunded, contracts be canceled, damages be awarded, etc. If you have this type of problem, you should consult an attorney.

We cannot give legal advice or act as your attorney.

Investigations are made by the Department of Real Estate's Enforcement Section on the basis of written complaints received from the public. To initiate an investigation, the DRE must determine two things:

1. That the individuals or companies involved are under the DRE's jurisdiction. The Department has jurisdiction over real estate licensees, subdividers and unlicensed persons who have performed acts which require a real estate license. See [Real Estate License Look-Up](#) to find out if an individual or company is licensed by the DRE.
2. That the complaint relates to possible violations of the [Real Estate Law and Subdivided Lands Law](#)

## Issuance or Denial of Public Report

**11018.** The Real Estate Commissioner shall make an examination of any subdivision, and shall, unless there are grounds for denial, issue to the subdivider a public report authorizing the sale or lease in this state of the lots or parcels within the subdivision. The report shall contain the data obtained in accordance with Section 11010 and which the commissioner determines are necessary to implement the purposes of this article. The commissioner may publish the report. The grounds for denial are:

- (a) Failure to comply with any of the provisions in this chapter or the regulations of the commissioner pertaining thereto.
- (b) The sale or lease would constitute misrepresentation to or deceit or fraud of the purchasers or lessees.
- (c) Inability to deliver title or other interest contracted for.
- (d) Inability to demonstrate that adequate financial arrangements have been made for all offsite improvements included in the offering.

- (e) Inability to demonstrate that adequate financial arrangements have been made for any community, recreational or other facilities included in the offering.
- (f) Failure to make a showing that the parcels can be used for the purpose for which they are offered; and in the case of a subdivision being offered for residential purposes failure to make a showing that vehicular access and a source of potable domestic water either is available or will be available.
- (g) Failure to provide in the contract or other writing the use or uses for which the parcels are offered, together with any covenants or conditions relative thereto.
- (h) Agreements or bylaws to provide for management or other services pertaining to common facilities in the offering, which fail to comply with the regulations of the commissioner.

#### Required Courses

**10170.5.** (a) Except as otherwise provided in Sections 10153.4 and 10170.8, a real estate license shall not be renewed unless the commissioner finds that the applicant for license renewal has, during the four-year period preceding the renewal application, successfully completed the 45 clock hours of education provided for in Section 10170.4, including all of the following:

- (7) In addition to paragraphs (1) to (6), inclusive, a broker shall complete a three-hour course in the management of real estate offices and supervision of real estate licensed activities that shall include, but need not be limited to, the requirements described in subdivision (a) of Section 10159.7 and Section 10164.
- (8) Not less than 18 clock hours of courses or programs related to consumer protection, and designated by the commissioner as satisfying this purpose in the commissioner's approval of the offering of these courses or programs, which shall include, but not be limited to, forms of real estate financing relevant to serving consumers in the marketplace, land use regulation and control, pertinent consumer disclosures, agency relationships, capital formation for real estate development, fair practices in real estate, appraisal and valuation techniques, landlord-tenant relationships, energy conservation, environmental regulation and consideration, taxation as it relates to consumer decisions in real estate transactions, probate and similar disposition of real property, governmental programs such as revenue bond activities, redevelopment, and related programs, business opportunities, mineral, oil, and gas conveyancing, and California law that relates to managing community associations that own, operate, and maintain property within common interest developments, including, but not limited to, management, maintenance, and financial matters addressed in the Davis-Stirling Common Interest Development Act (Part 5 (commencing with Section 4000) of Division 4 of the Civil Code).
- (9) Other courses and programs that will enable a licensee to achieve a high level of competence in serving the objectives of consumers who may engage the services of licensees to secure the transfer, financing, or similar objectives with respect to real property, including organizational and management techniques, including relevant information to assist a salesperson or broker in understanding how to be effectively supervised by a responsible broker or branch manager, that will significantly contribute to this goal.

**10153.2.** (a) An applicant to take the examination for an original real estate broker license shall also submit evidence, satisfactory to the commissioner, of successful completion, at an accredited institution, of:

- (1) A three-unit semester course, or the quarter equivalent thereof, in each of the following:
  - (A) Real estate practice, which shall include both of the following:
    - (i) A component on implicit bias, including education regarding the impact of implicit bias, explicit bias, and systemic bias on consumers, the historical and social impacts of those biases, and actionable steps students can take to recognize and address their own implicit biases.
    - (ii) A component on federal and state fair housing laws as those laws apply to the practice of real estate. The fair housing component shall include an interactive participatory component, during which the applicant shall role play as both a consumer and real estate professional.

- (B) Legal aspects of real estate.
- (C) Real estate appraisal.
- (D) Real estate financing.
- (E) Real estate economics or accounting.
- (2) A three-unit semester course, or the quarter equivalent thereof, in three of the following:
  - (A) Advanced legal aspects of real estate. (B) Advanced real estate finance.
  - (C) Advanced real estate appraisal.
  - (D) Business law.
  - (E) Escrows.
  - (F) Real estate principles.
  - (G) Property management.
  - (H) Real estate office administration.
  - (I) Mortgage loan brokering and lending. (J) Computer applications in real estate.
- (K) On and after July 1, 2004, California law that relates to common interest developments, including, but not limited to, topics addressed in the Davis-Stirling Common Interest Development Act (Part 5 (commencing with Section 4000) of Division 4 of the Civil Code) and in the Commercial and Industrial Common Interest Development Act (Part 5.3 (commencing with Section 6500) of Division 4 of the Civil Code).

## **Suspension or Bar Order**

**10087.** (a) In addition to acting pursuant to the authority provided under Sections 10086, 10176, and 10177, the commissioner may, after appropriate notice and opportunity for a hearing, by order, suspend, bar from any position of employment, management, or control, or bar from participation in an examination for licensure, for a period not exceeding 36 months, a real estate salesperson or real estate broker, or an unlicensed person issued an order under Section 10086, if the commissioner finds either of the following:

(1) That the suspension or bar is in the public interest and that the person has committed or caused a violation of this division or rule or order of the commissioner, which violation was either known or should have been known by the person committing or causing it or has caused material damage to the public.

(2) That the person has been convicted of or pleaded nolo contendere to any crime, or has been held liable in any civil action by final judgment, or any administrative judgment by any public agency, if that crime or civil or administrative judgment involved any offense involving dishonesty, fraud, or deceit, or any other offense reasonably related to the qualifications, functions, or duties of a person engaged in the real estate business in accordance with the provisions of this division.

(b) Within 15 days from the date of a notice of intention to issue an order pursuant to subdivision (a), the person may request a hearing under the Administrative Procedure Act (Chapter 4.5 (commencing with Section 11400) of Division 3 of Title 2 of the Government Code). If no hearing is requested within 15 days after the mailing or service of that notice and none is ordered by the commissioner, the failure to request a hearing shall constitute a waiver of the right to a hearing.

(c) Upon receipt of a notice of intention to issue an order pursuant to this section, the person who is the subject of the proposed order is immediately prohibited from engaging in any business activity involving real estate that is subject to regulation under this division.

(d) Persons suspended or barred under this section are prohibited from participating in any business activity of a real estate salesperson or a real estate broker and from engaging in any real estate-related business activity on the premises where a real estate salesperson or real estate broker is conducting business. Persons suspended or barred under this section are also prohibited from participating in any real estate-related business activity of a finance lender, residential mortgage lender, bank, credit union, escrow company, title company, or underwritten title company. Persons suspended or barred from a position of employment,

management, or control under this section are also barred from participating in examinations for licensure.

## **Some Managers and Employees Exempt**

**10131.01.** (a) Subdivision (b) of Section 10131 does not apply to (1) the manager of a hotel, motel, auto and trailer park, to the resident manager of an apartment building, apartment complex, or court, or to the employees of that manager, or (2) any person or entity, including a person employed by a real estate broker, who, on behalf of another or others, solicits or arranges, or accepts reservations or money, or both, for transient occupancies described in paragraphs (1) and (2) of subdivision (b) of Section 1940 of the Civil Code, in a dwelling unit in a common interest development, as defined in Section 4100 of the Civil Code, in a dwelling unit in an apartment building or complex, or in a single-family home, or (3) any person other than the resident manager or employees of that manager, performing the following functions, who is the employee of the property management firm retained to manage a residential apartment building or complex or court and who is performing under the supervision and control of a broker of record who is an employee of that property management firm or a salesperson licensed to the broker who meets certain minimum requirements as specified in a regulation issued by the commissioner:

- (A) Showing rental units and common areas to prospective tenants.
- (B) Providing or accepting preprinted rental applications, or responding to inquiries from a prospective tenant concerning the completion of the application.
- (C) Accepting deposits or fees for credit checks or administrative costs and accepting security deposits and rents.
- (D) Providing information about rental rates and other terms and provisions of a lease or rental agreement, as set out in a schedule provided by an employer.
- (E) Accepting signed leases and rental agreements from prospective tenants.

(b) A broker or salesperson shall exercise reasonable supervision and control over the activities of non licensed persons acting under paragraph (3) of subdivision (a).

(c) A broker employing non licensed persons to act under paragraph (3) of subdivision (a) shall comply with Section 10163 for each apartment building or complex or court where the non licensed persons are employed.

## **False Advertising**

**10140.** Every officer, agent or employee of any company, and every other person who knowingly authorizes, directs or aids in the publication, advertisement, distribution or circularization of any false statement or representation concerning any land or subdivision thereof, as defined in Chapter 1 (commencing at Section 11000) of Part 2 of this division, offered for sale or lease, or, if the land is owned by the State or Federal Government, which such person offers to assist another or others to file an application for the purchase or lease of, or to locate or enter upon, and every person who, with knowledge that any advertisement, pamphlet, prospectus or letter concerning any said land or subdivision, as defined in Chapter 1 (commencing at Section

11000) of Part 2 of this division, contains any written statement that is false or fraudulent, issues, circulates, publishes or distributes the same, or causes the same to be issued, circulated, published or distributed, or who, in any other respect, willfully violates or fails to comply with any of the provisions of this section, or who in any other respect willfully violates or fails, omits or neglects to obey, observe or comply with any order, permit, decision, demand or requirement of the commissioner under this section, is guilty of a public offense, and shall be punished by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment in a county jail not exceeding one year, or by both such fine and imprisonment, and, if a real estate licensee, he shall be held to trial by the commissioner for a suspension or revocation of his license, as provided in the provisions of this part relating to hearings. The district attorney of each county in this State shall prosecute all violations of the provisions of this section in respective counties in which the violations occur.

## **Broker Defined**

**10131.** A real estate broker within the meaning of this part is a person who, for a compensation or in expectation of a compensation, regardless of the form or time of payment, does or negotiates to do one or more of the following acts for another or others:

- (a) Sells or offers to sell, buys or offers to buy, solicits prospective sellers or buyers of, solicits or obtains listings of, or negotiates the purchase, sale, or exchange of real property or a business opportunity.
- (b) Leases or rents or offers to lease or rent, or places for rent, or solicits listings of places for rent, or solicits for prospective tenants, or negotiates the sale, purchase, or exchanges of leases on real property, or on a business opportunity, or collects rents from real property, or improvements thereon, or from business opportunities.
- (c) Assists or offers to assist in filing an application for the purchase or lease of, or in locating or entering upon, lands owned by the state or federal government.
- (d) Solicits borrowers or lenders for or negotiates loans or collects payments or performs services for borrowers or lenders or note owners in connection with loans secured directly or collaterally by liens on real property or on a business opportunity.
- (e) Sells or offers to sell, buys or offers to buy, or exchanges or offers to exchange a real property sales contract, or a promissory note secured directly or collaterally by a lien on real property or on a business opportunity, and performs services for the holders thereof.

## **Further Grounds for Disciplinary Action**

10177. The commissioner may suspend or revoke the license of a real estate licensee, delay the renewal of a license of a real estate licensee, or deny the issuance of a license to an applicant, who has done any of the following, or may suspend or revoke the license of a corporation, delay the renewal of a license of a corporation, or deny the issuance of a license to a corporation, if an officer, director, or person owning or controlling 10 percent or more of the corporation's stock has done any of the following:

- (g) Demonstrated negligence or incompetence in performing an act for which the officer, director, or person is required to hold a license.
- (h) As a broker licensee, failed to exercise reasonable supervision over the activities of that licensee's salespersons, or, as the officer designated by a corporate broker licensee, failed to exercise reasonable supervision and control of the activities of the corporation for which a real estate license is required.
- (j) Engaged in any other conduct, whether of the same or of a different character than specified in this section, that constitutes fraud or dishonest dealing.

## Fraud in a Civil Action

**10177.5.** When a final judgment is obtained in a civil action against any real estate licensee upon grounds of fraud, misrepresentation, or deceit with reference to any transaction for which a license is required under this division, the commissioner may, after hearing in accordance with the provisions of this part relating to hearings, suspend or revoke the license of such real estate licensee.