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FILED

DEC 28 2009

DEPARTMENT OF REAL ESTATE

By *L. Henry*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

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11 TO:

12 ELK HALL INVESTORS, INC.,  
13 a California Corporation,  
14 JON ANTHONY NASTRO,  
15 LORI PILATTI MODE and  
16 BRUCE WILLIAM DURHAM.

No. H- 5320 SAC

ORDER TO DESIST AND REFRAIN

(B&P Code Section 10086)

17 The Real Estate Commissioner (hereinafter "Commissioner") of the State of  
18 California, has caused an investigation to be made of the real estate activities of ELK HALL  
19 INVESTORS, INC., a California Corporation (hereinafter "ELK HALL INVESTORS"), JON  
20 ANTHONY NASTRO (hereinafter "NASTRO"), LORI PILATTI MODE (hereinafter  
21 "MODE") and BRUCE WILLIAM DURHAM (hereinafter "DURHAM"), (collectively referred  
22 to as "RESPONDENTS"). Based on that investigation, the Commissioner has determined that  
23 RESPONDENTS have engaged in, are engaging in, or are attempting to engage in, acts or  
24 practices constituting violations of the California Business and Professions Code (hereinafter  
25 "the Code") and/or Title 10, Chapter 6, California Code of Regulations (hereinafter "the  
26 Regulations"), including the business of, acting in the capacity of, and/or advertising or  
27 assuming to act as, a real estate broker in the State of California within the meaning of Section

1 10131(a) (selling, offering to sale or negotiating the sale of real property) of the Code

2 Furthermore, based on the investigation, the Commissioner hereby issues the  
3 following Findings of Fact, Conclusions of Law, and Desist and Refrain Order under the  
4 authority of Section 10086 of the Code.

5 FINDINGS OF FACT

6 1. ELK HALL INVESTORS is licensed as a corporate real estate broker  
7 doing business as Keller Williams Realty Elk Grove.

8 2. NASTRO is licensed as a real estate broker individually, and beginning on  
9 or about September 23, 2008, as the designated broker-officer for ELK HALL INVESTORS.

10 3. At all times material herein, MODE and DURHAM were licensed as real  
11 estate salespersons in the employ of ELK HALL INVESTORS. MODE and DURHAM are not  
12 now and have never been licensed by the Department as real estate brokers.

13 4. At all times herein mentioned, ELK HALL INVESTORS, NASTRO,  
14 MODE and DURHAM engaged in the business of, acted in the capacity of, advertised and  
15 assumed to act as real estate brokers in the State of California within the meaning of Section  
16 10131(a), including the business of selling or offering to sell, buying or offering to buy,  
17 soliciting prospective buyers or purchasers of, soliciting or obtaining listings of, or negotiating  
18 the purchase, sale, or exchange of real property or a business opportunity.

19 5. On approximately January 16, 2009, BHT Elk Grove KB, LLC entered  
20 into a residential listing agreement with MODE and DURHAM, as agents for ELK HALL  
21 INVESTORS dba Keller Williams Realty Elk Grove, to list the following properties in a  
22 subdivision known as or commonly called "Monterey Village" and located in or near the County  
23 of Sacramento, State of California (hereinafter "Subdivision"):

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Address	APN	Lot
5020 Ocean Lane	132-1860-115	119
5213 Ocean Lane	132-1860-074	74
5105 Ocean Lane	132-1860-064	64
5204 Ocean Lane	132-1860-099	99
5200 Ocean Lane	132-1860-100	104
9987 Macabee Lane	132-1860-004	4
9995 Macabee Lane	132-1860-006	6

6. On approximately January 29, 2009, MODE and DURHAM, as agents for ELK HALL INVESTORS, caused to be published on the internet a website advertisement and/or solicitation at the internet address [www.modeanddurham.yourkwagent.com](http://www.modeanddurham.yourkwagent.com) (hereinafter "internet address").

7. The website/advertisement at the internet address itself includes identification of "The Mode and Durham Team," a fictitious business name that includes the name of a real estate salesperson and is not recorded with the Department as a properly licensed fictitious business name for ELK HALL INVESTORS or NASTRO.

CONCLUSIONS OF LAW

1. Based on the Findings of Fact contained in Paragraphs 1 through 7, ELK HALL INVESTORS, NASTRO, MODE and DURHAM caused to be published on the internet a website advertisement and/or solicitation using a name that is not recorded with the Department as a properly licensed fictitious business name and contains the name of a real estate salesperson in violation of Section 10159.5 (issuance of fictitious business name) of the Code and Section 2713 (licensee shall not use a fictitious business name in the conduct of any activity for which a


1 license is required under the Real Estate Law unless the licensee is a holder of a license bearing  
2 the fictitious name) of the Regulations.

3 DESIST AND REFRAIN ORDER

4 Based on the Findings of Fact and Conclusions of Law stated herein, you, ELK HALL  
5 INVESTORS, INC., JON ANTHONY NASTRO, LORI PILATTI MODE and BRUCE  
6 WILLIAM DURHAM., whether doing business under your own names, or any other names or  
7 fictitious names, ARE ORDERED TO DESIST AND REFRAIN from causing to be published  
8 print and electronic advertisements and/or solicitations which include the fictitious business  
9 name "The Mode and Durham Team".

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11 DATED: 12/15/09

12 JEFF DAVI  
13 Real Estate Commissioner

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