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DEPARTMENT OF REAL ESTATE
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December 13, 2011

DEPARTMENT OF REAL ESTATE

By

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

TO: VERONICA GUZMAN, an individual	No. H-2697 FR ORDER TO DESIST AND REFRAIN (B&P Code Section 10086)

The Commissioner of the California Department of Real Estate ("Commissioner") caused an investigation to be made of the activities of VERONICA GUZMAN ("GUZMAN"). Based on the investigation, the Commissioner has determined GUZMAN has engaged in, is engaging in, or is attempting to engage in, acts or practices constituting violations of the California Business and Professions Code ("Code") and/or Title 10, Chapter 6, California Code of Regulations ("Regulations"), including the business of, acting in the capacity of, and/or advertising or assuming to act as, a real estate broker in the State of California within the meaning of Section 10131(d) (performing services for borrowers in connection with loans secured by real property) of the Code. Furthermore, based on the investigation, the Commissioner hereby issues the following Findings of Fact, Conclusions of Law, and Desist and Refrain Order under the authority of Section 10086 of the Code.

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Whenever acts referred to below are attributed to GUZMAN those acts are alleged to have been done by GUZMAN, acting by herself, or by and/or through one or more agents, associates, affiliates, and/or co-conspirators whose name is presently unknown.

FINDINGS OF FACT

1. At all times relevant herein, GUZMAN has never held a valid California Department of Real Estate ("Department") license in any capacity.

2. During the period of time set out below, GUZMAN and/or other agents, associates, affiliates, and/or co-conspirators solicited one or more borrowers and negotiated to do one or more of the following acts for another or others, for or in expectation of compensation: negotiate one or more loans for, or perform services for, borrowers and/or lenders in connection with loans secured directly or collaterally by one or more liens on real property; charge or demand a fee for any of the services offered, in violation of Sections 10130 (real estate broker license required to perform certain acts) and 10139 (criminal penalties for unlicensed activity) of the Code.

3. On or about October 22, 2009, GUZMAN met with Jaime H. ("Borrower") concerning a possible residential mortgage loan modification for the Borrower's Kerman, California residential property. During this meeting the Borrower was informed by GUZMAN that her fee for a loan modification was $2,000. On or about October 22, 2009, December 14, 2009, and January 31, 2010, the Borrower paid a total of $2,000 in advance fees to GUZMAN for loan modification services. At no time did the Borrower receive the promised loan modification and, despite requesting a refund, the Borrower has never received a refund of the funds paid to GUZMAN by the Borrower.

CONCLUSIONS OF LAW

4. Based on the findings of fact contained in paragraphs 1 through 3, above, GUZMAN, acting by and/or through one or more agents, associates, affiliates, and/or co-conspirators, including others whose names or fictitious names are unknown at this time, solicited one or more borrowers and performed services for those borrowers and/or those

borrowers' lenders in connection with loans secured directly or collaterally by one or more liens on real property, acts which require a real estate license under Section 10131(d) of the Code, during a period of time when GUZMAN was not licensed by the Department in any capacity.

DESIST AND REFRAIN ORDER

Based on the Findings of Fact and Conclusions of Law stated herein, VERONICA GUZMAN, whether doing business under your own name, or any other name or fictitious name unknown at this time, is HEREBY ORDERED to:

1. Immediately desist and refrain from performing any acts within the State of California for which a real estate broker license is required. In particular, GUZMAN is ordered to desist and refrain from soliciting borrowers and/or performing services for borrowers or lenders in connection with loans secured directly or collaterally by one or more liens on real property, unless and until GUZMAN obtains a real estate broker license issued by the Department.

2. Immediately desist and refrain from charging, demanding, claiming, collecting and/or receiving advance fees, as that term is defined in Section 10026 of the Code, for any of the services GUZMAN offer to others, unless and until you demonstrate and provide evidence satisfactory to the Commissioner that GUZMAN is properly licensed by the Department as a real estate broker, and:

(a) GUZMAN has an advance fee agreement which has been submitted to the Department and which is in compliance with Sections 2970 and 2972 of the Regulations;

(b) GUZMAN has placed all previously collected advance fees into a trust account for that purpose and are in compliance with Section 10146 of the Code;

(c) GUZMAN has provided an accounting to trust fund owner-beneficiaries pursuant to Section 2972 of the Regulations; and,

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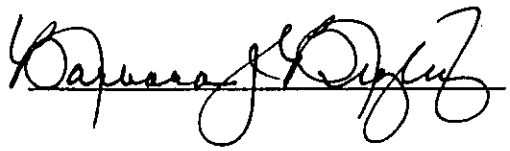
(d) GUZMAN is in compliance with California law, as amended effective as of October 11, 2009, with respect to loan modification and/or forbearance services. Under the amended law, you can only collect advance fees for loan modification or other mortgage loan forbearance services related to commercial loans and loans for residential properties containing five or more dwelling units.

DATED: 12/5, 2011

BARBARA J. BIGBY
Acting Real Estate Commissioner



NOTICE:

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

cc:

Veronica Guzman
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Kerman, CA 93630

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