DEPARTMENT OF REAL ESTATE
P. O. Box 187000
Sacramento, CA 95818-7000

Telephone: (916) 227-0789

FILED

October 26, 2012

DEPARTMENT OF REAL ESTATE

By L. Jones

STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

To: YOLANDA RIOS and FRANCISCO RIOS, doing business as GENESIS MORTGAGE SOLUTIONS and CERTIFIED FORENSIC LOAN AUDITS	No. H-2788 FR ORDER TO DESIST AND REFRAIN (B&P Code Section 10086)

The Commissioner of the California Department of Real Estate (Department) caused an investigation to be made of the activities of YOLANDA RIOS and FRANCISCO RIOS, doing business as GENESIS MORTGAGE SOLUTIONS and CERTIFIED FORENSIC LOAN AUDITS. Based on that investigation, the Commissioner has determined that YOLANDA RIOS, FRANCISCO RIOS, GENESIS MORTGAGE SOLUTIONS, and CERTIFIED FORENSIC LOAN AUDITS have engaged in, are engaging in, or are 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 Sections 10131(d) (performing services for borrowers and/or lenders in connection with loans secured by real property) and 10131.2 (real estate broker license required to charge and collect an advance fee) 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.

Whenever acts referred to below are attributed to GENESIS MORTGAGE SOLUTIONS, and CERTIFIED FORENSIC LOAN AUDITS, those acts are alleged to have been done by YOLANDA RIOS and FRANCISCO RIOS, acting by themselves, or by and/or through one or more agents, associates, affiliates, and/or co-conspirators, and using the name "Genesis Mortgage Solutions", "Certified Forensic Loan Audits", or other names or fictitious names unknown at this time.

FINDINGS OF FACT

1. At all times mentioned, FRANCISCO RIOS was and is licensed by the Department as a real estate salesperson. From on or about April 8, 2008, through November 25, 2009, FRANCISCO RIOS was licensed as a real estate salesperson under Edgewater Executive Mortgage, Inc., a corporate real estate broker. From on or about December 31, 2010, to May 2, 2011, FRANCISCO RIOS was licensed as a real estate salesperson under 4 USA Loans, Inc., a corporate real estate broker. From on or about May 11, 2011, to July 11, 2012, FRANCISCO RIOS was licensed as a real estate salesperson under Renwick Penrose Russell, an individual real estate broker. From on or about July 12, 2012, to the present, FRANCISCO RIOS has had no broker affiliation.

2. From on or about July 8, 2006, to July 7, 2010, YOLANDA RIOS was licensed by the Department as a real estate salesperson. Beginning on or about January 9, 2008, YOLANDA RIOS' real estate salesperson license was suspended pursuant to Section 10153.4 of the Code. At no time after July 7, 2010, was YOLANDA RIOS licensed by the Department in any capacity. At no time mentioned was YOLANDA RIOS affiliated under any real estate broker.

///

///

3. At no time mentioned was CERTIFIED FORENSIC LOAN AUDITS licensed by the Department in any capacity. CERTIFIED FORENSIC LOAN AUDITS is a fictitious business name owned by FRANCISCO RIOS.

4. At no time mentioned was GENESIS MORTGAGE SOLUTIONS licensed by the Department in any capacity. GENESIS MORTGAGE SOLUTIONS is a fictitious business name owned by FRANCISCO RIOS and YOLANDA RIOS.

5. During the period of time set forth below, YOLANDA RIOS and FRANCISCO RIOS, doing business as GENESIS MORTGAGE SOLUTIONS and CERTIFIED FORENSIC LOAN AUDITS, and without the knowledge and consent of FRANCISCO RIOS' employing real estate broker, solicited borrowers and negotiated to do one or more of the following acts for another or others, for or in expectation of compensation; negotiated 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; and charged, demanded or collected an advance fee for any of the services offered.

6. Beginning on or about November 6, 2009, YOLANDA RIOS and FRANCISCO RIOS, as representatives of GENESIS MORTGAGE SOLUTIONS and/or CERTIFIED FORENSIC LOAN AUDITS, solicited Antonia P. (Antonia) in order to provide loan modification and negotiation services on behalf of Antonia in connection with a loan secured by real property located at 1187 King Street, Parlier, California.

7. On or about November 6, 2009, YOLANDA RIOS and FRANCISCO RIOS, as representatives of GENESIS MORTGAGE SOLUTIONS and/or CERTIFIED FORENSIC LOAN AUDITS, demanded and received an advance fee of $1,500 from Antonia for the activities described in Paragraph 6.

///

///

///

///

8. Beginning on or about February 13, 2010, YOLANDA RIOS and FRANCISCO RIOS, as representatives of GENESIS MORTGAGE SOLUTIONS and/or CERTIFIED FORENSIC LOAN AUDITS, solicited Eva C. (Eva) in order to provide loan modification and negotiation services on behalf of Eva in connection with a loan secured by real property located at 4029 Anna Avenue, Keyes, California.

9. On or about February 13, 2010, YOLANDA RIOS and FRANCISCO RIOS, as representatives of GENESIS MORTGAGE SOLUTIONS and/or CERTIFIED FORENSIC LOAN AUDITS, demanded and received an advance fee of $1,500 from Eva for the activities described in Paragraph 8.

10. Beginning on or about June 11, 2010, YOLANDA RIOS and FRANCISCO RIOS, as representatives of GENESIS MORTGAGE SOLUTIONS and/or CERTIFIED FORENSIC LOAN AUDITS, solicited Javier C. (Javier) in order to provide loan modification and negotiation services on behalf of Javier in connection with a loan secured by real property located at 450 Sharon Court, Manteca, California.

11. On or about June 11, 2010 and July 30, 2010, YOLANDA RIOS and FRANCISCO RIOS, as representatives of GENESIS MORTGAGE SOLUTIONS and/or CERTIFIED FORENSIC LOAN AUDITS, demanded and received an advance fee totaling $1,500 from Javier for the activities described in Paragraph 10.

12. Beginning on or about March 12, 2010, YOLANDA RIOS and FRANCISCO RIOS, as representatives of GENESIS MORTGAGE SOLUTIONS and/or CERTIFIED FORENSIC LOAN AUDITS, solicited Graciela V. (Graciela) in order to provide loan modification and negotiation services on behalf of Graciela in connection with a loan secured by real property located at 135 Ivy Avenue, Patterson, California.

13. On or about March 12, 2010, YOLANDA RIOS and FRANCISCO RIOS, as representatives of GENESIS MORTGAGE SOLUTIONS and/or CERTIFIED FORENSIC LOAN AUDITS, demanded and received an advance fee of $1,000 from Graciela for the activities described in Paragraph 12.

14. Beginning on or about April 1, 2010, YOLANDA RIOS and FRANCISCO RIOS, as representatives of GENESIS MORTGAGE SOLUTIONS and/or CERTIFIED FORENSIC LOAN AUDITS, solicited Maricela M. (Maricela) in order to provide loan modification and negotiation services on behalf of Maricela in connection with a loan secured by real property located at 2016 Boise Avenue, Modesto, California.

15. On or about April 1, 2010 and June 10, 2010, YOLANDA RIOS and FRANCISCO RIOS, as representatives of GENESIS MORTGAGE SOLUTIONS and/or CERTIFIED FORENSIC LOAN AUDITS, demanded and received an advance fee totaling $2,500 from Maricela for the activities described in Paragraph 14.

16. Beginning on or about May 12, 2010, YOLANDA RIOS and FRANCISCO RIOS, as representatives of GENESIS MORTGAGE SOLUTIONS and/or CERTIFIED FORENSIC LOAN AUDITS, solicited Juan E. (Juan) in order to provide loan modification and negotiation services on behalf of Juan in connection with a loan secured by real property located at 109 South Fremont Street, Manteca, California.

17. On or about May 12, 2010, and June 24, 2010, YOLANDA RIOS and FRANCISCO RIOS, as representatives of GENESIS MORTGAGE SOLUTIONS and/or CERTIFIED FORENSIC LOAN AUDITS, demanded and received an advance fee totaling $2,500 from Juan for the activities described in Paragraph 16.

CONCLUSIONS OF LAW

18. Based on the findings of fact contained in paragraphs 1 through 17, YOLANDA RIOS and FRANCISCO RIOS, doing business as GENESIS MORTGAGE SOLUTIONS and CERTIFIED FORENSIC LOAN AUDITS, solicited one or more borrowers to perform 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 located within the State of California, and charged, demanded or collected advance fees for the services to be provided, which acts require a real estate broker license under Sections 10131(d) (real estate license required for enumerated acts) and 10131.2 (real estate broker license required to charge or

collect an advance fee) of the Code, in violation of Sections 10130 and 10177(q) of the Code and Sections 2944.7 and 2945.4 of the Civil Code.

19. YOLANDA RIOS and FRANCISCO RIOS, doing business as GENESIS MORTGAGE SOLUTIONS and CERTIFIED FORENSIC LOAN AUDITS, used a form of advance fee agreement which had not been provided to the Department for its prior review and consideration, in violation of Section 10085 of the Code (prior submission of advance fee materials required) and Section 2970 (details for prior submission of advance fee materials) of the Regulations.

DESIST AND REFRAIN ORDER

Based on the Findings of Fact and Conclusions of Law stated herein, YOLANDA RIOS and FRANCISCO RIOS, doing business as GENESIS MORTGAGE SOLUTIONS and CERTIFIED FORENSIC LOAN AUDITS, whether doing business under your own name, or any other name or fictitious name, ARE 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, you are 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 you obtain 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 you offer to others, unless and until you demonstrate and provide evidence satisfactory to the Commissioner that you are properly licensed by the Department as a real estate broker, and that YOLANDA RIOS and FRANCISCO RIOS, doing business as GENESIS MORTGAGE SOLUTIONS and CERTIFIED FORENSIC LOAN AUDITS:

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

(C) Have provided an accounting to trust fund owner-beneficiaries pursuant to Section 2972 of the Regulations; and

(D) Are 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, advance fees may be charged and collected only for loan modification or other mortgage loan forbearance services related to commercial loans and loans for residential properties containing five or more dwelling units.

3. Immediately desist and refrain from demanding, claiming, collecting and/or receiving advance fees, as that term is defined in Section 10026 of the Code, in any form, and under any conditions, with respect to the performance of loan modification or any other form of mortgage loan forbearance services in connection with loans on residential property containing four or fewer dwelling units.

DATED: 10/20/2012

REAL ESTATE COMMISSIONER

By WAYNE S. BELL
Chief Counsel

-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)."