BUREAU OF REAL ESTATE
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FILED

DEC 17 2013

BUREAU OF REAL ESTATE

By

STATE OF CALIFORNIA

BUREAU OF REAL ESTATE

To: DE GUARDIAN GROUP and MARTHA PIMENTEL, individually and dba De Guardian Group, Rescate De Propidad, and/or any other names or fictitious names used by Martha Pimentel	NO. H-2856 FR ORDER TO DESIST AND REFRAIN (B&P Code Section 10086)

The Commissioner ("Commissioner") of the California Bureau of Real Estate ("Bureau") caused an investigation to be made of the activities of DE GUARDIAN GROUP ("DGG") and MARTHA PIMENTEL ("PIMENTEL"). Based on that investigation, the Commissioner has determined that DGG and PIMENTEL, and/or any other fictitious business names used by PIMENTEL, 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") , including violating Code Section 10130 by engaging in 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 Code Section 10131(d) (solicit borrowers or lenders for or

negotiate loans or collect payments or perform 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). Based on the findings of that investigation, set forth below, 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 DGG or PIMENTEL, those acts are alleged to have been done by PIMENTEL, acting by herself, or by and/or through one or more agents, associates, affiliates, and/or co-conspirators, including but not limited to DGG and using the names "De Guardian Group," "Rescate De Propidad,"or other names or fictitious names unknown at this time.

FINDINGS OF FACT

1. PIMENTEL is not now, and has never been, licensed by the Bureau in any capacity.

2. DE GUARDIAN GROUP is not not now, and has never been, licensed by the Bureau in any capacity.

3. PIMENTEL and DGG solicited borrowers and negotiated to do one or more of the following acts for another or others, for or in expectation of compensation: solicit or 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; and charge, demand or collect an advance fee for any of the services offered.

4. PIMENTEL advertised, and continues to advertise, loan modification services under one or more business names, including, but not limited to, "DE GUARDIAN GROUP" and "Rescate De Propidad," through flyers in Spanish, business cards and verbally. PIMENTEL touted a success rate of ninety-eight percent (98%) in obtaining affordable loan modifications on behalf

of distressed homeowners, and indicated that the process would cost homeowners $2,500.00 to $5,000.00 and take about forty-five (45) to one hundred twenty (120) days to complete.

Jose P.'s Transaction

4. In May 2010, upon receiving a flyer for DGG in front of his local grocery store, Jose P. made an appointment and spoke with PIMENTEL about the possibility of a loan modification to save Jose P.'s real property located in the city of McFarland, California, from foreclosure. PIMENTEL promised Jose P. that she could stop the foreclosure proceedings against his property and obtain an affordable loan modification so that he would pay only 25% of what was owed on the house. PIMENTEL said that the charge for these services was $1,200.00.

5. Jose P. made two payments in cash to PIMENTEL's home address located in McFarland, California: the first payment of $800 was paid on May 19, 2010 and the second payment of $400 was paid on June 30, 2010.

6. After six months elapsed, PIMENTEL became non-responsive to Jose P.'s phone calls and home visits. In PIMENTEL's last conversation with Jose P., she informed him that the president of DGG was in prison and that unless he paid additional money, she would cease work on his loan modification.

7. Jose P. did not make additional payments to PIMENTEL and lost his home in foreclosure at the end of 2011.

Maria B.'s Transaction

8. In January 2011, Maria B. hired PIMENTEL and Rescate de Propidad to perform loan modification services to save Maria B.'s real property located in the city of Delano, California from foreclosure. PIMENTEL promised to stop the foreclosure proceedings and obtain an affordable loan modification for Maria B. PIMENTEL informed Maria B. that her fee for these

services was $5,000.00, and that installment payments were acceptable. On or about April 13, 2011, Maria B. paid $1000.00 to PIMENTEL at PIMENTEL's home in McFarland, California. Thereafter, PIMENTEL came to Maria B.'s home and Maria B. made additional payments to PIMENTEL in the amounts: $1,500 on May 9, 2011; $500.00 on July 20, 2011; $500.00 on or about October 4, 2011; and $300.00 on or about November 4, 2011, for a total of $3,800.00.

9. By December 2011, PIMENTEL failed to deliver the promised loan modification or refund Maria B.'s money.

10. On or about February 2012, Maria B.'s lender foreclosed upon the subject property in Delano and Maria B. was given notice to vacate the property as soon as possible.

Pimentel's Continued Unlicensed Activity

11. On or about May 8, 2012, a representative of the Bureau called PIMENTEL at DGG's advertised phone number and PIMENTEL revealed that she continued to offer loan modification services and that her success rate of obtaining loan modifications for distressed homeowners was ninety eight percent (98%). PIMENTEL also indicated in the same call that her fees for such services were $2,500.00 and that the process required forty-five (45) to one hundred twenty (120) days to complete.

12. On or about May 15, 2012, a representative of the Bureau contacted PIMENTEL to discuss the allegations of her collection of advance fees for loan modification services. PIMENTEL admitted to collecting advance fees of $1,200.00 from Jose P. and $3,800.00 from Martha B., and also admitted that she failed to obtain affordable loan modifications on behalf of Jose P. and Martha B.

13. On or about April 12, 2013, a representative of the Bureau called PIMENTEL at the advertised phone number. PIMENTEL revealed that she continued to offer loan modification

services. PIMENTEL indicated to the caller that she was part of an attorneys' network that assisted distressed homeowners in saving their homes from foreclosure, and that the fees for such services were $5,000.00.

CONCLUSIONS OF LAW

14. Based on the findings of fact contained in paragraphs 1 through 13, DGG, acting by itself, or by and/or through one or more agents, associates, representatives, and/or co-conspirators, including, but not limited to PIMENTEL, and using the names "De Guardian Group," "Rescate De Propidad," or other names or fictitious names unknown at this time, solicited borrowers to negotiate loans or perform services, in connection with loans secured directly or collaterally by one or more liens on real property. These acts, which require a real estate broker license under Code Section 10131(d), were performed during a period of time when DGG was not licensed by the Bureau as a real estate broker, a violation of Code Section 10130.

15. Based on the findings of fact contained in paragraphs 1 through 13, PIMENTEL, acting by herself, or by and/or through one or more agents, associates, representatives, and/or co-conspirators, including, but not limited to DGG, and using the names "De Guardian Group," "Rescate De Propidad," or other names or fictitious names unknown at this time, solicited borrowers to negotiate loans or perform services, in connection with loans secured directly or collaterally by one or more liens on real property. These acts, which require a real estate broker license under Code Section 10131(d), were performed during a period of time when PIMENTEL was not licensed by the Bureau as a real estate broker, a violation of Code Section 10130.

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DESIST AND REFRAIN ORDER:

Based upon the Findings of Fact and Conclusions of Law stated herein, it is hereby ordered that DE GUARDIAN GROUP and MARTHA PIMENTEL, whether doing business under their own names or any other name(s) or fictitious name(s), ARE HEREBY ORDERED to 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:

1. charging, demanding, claiming, collecting and/or receiving advance fees, as that term is defined in Code Section 10026 of the Code, in any form, and under any conditions, with respect to the performance of loan modifications or any other form of mortgage loan forbearance service in connection with loans on residential property containing four of fewer dwelling units (Code Section 10085.6); and
2. charging, demanding, claiming, collecting and/or receiving advance fees, as that term is defined in Code Section 10026 of the Code, for any other real estate related services offered by them to others.

DATED: DECEMBER 13 2013

Real Estate Commissioner

By: _____

By: JEFFREY MASON
Chief Deputy 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: MARTHA PIMENTEL
DE GUARDIAN GROUP