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BUREAU OF REAL ESTATE

By

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

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To: MINDED.	CalBRE No. H-2880 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 Shane Gabriel Hernandez ("Hernandez"), doing business as MINDED. Based on that investigation the Commissioner has determined that MINDED has engaged in or is engaging in acts or attempting to engage 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 Business and Professions Code ("Code") Section 10131(b) (offer to lease or rent, or place for rent, or solicit listings of places for rent, or solicit for prospective tenants, or negotiate the sale, purchase, or exchanges of leases on real property, or collect rents from real property), Section 10131(d) (solicit borrowers for or negotiate loans or

perform services for borrowers in connection with loans secured by liens on real property), and Section 10131.2 (engage in the business of claiming, demanding, charging, receiving, collecting or contracting for the collection of an advance fee in connection with offering to obtain a loan on real property).

In addition, based on that investigation, the Commissioner has determined that MINDED has engaged in or is engaging in acts or are attempting to engage practices constituting violations of the Code. 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.

FINDINGS OF FACT

1. At no time mentioned herein has MINDED ever been licensed by the Bureau in any capacity.

2. From June 1, 2004, through the present, Hernandez has been licensed and/or has license rights by the Bureau as a real estate broker, License ID 01431837. At all times relevant, Hernandez was not licensed to do business under the fictitious business name "MINDED."

3. On or about November 10, 2011, Hernandez, while doing business as MINDED, solicited and offered to perform loan modification, negotiation, and/or foreclosure forbearance services in connection with loans secured directly or collaterally by liens on real property for borrower, Nicolette W. Hernandez induced Nicolette W. to sign an agreement entitled "Retainer Agreement" wherein MINDED promised to provide services in connection with loan modification, debt reduction, or a short sale of a property located at 185 Seventh St., Shandon, California ("subject property").

4. On November 10, 2011, Hernandez charged and collected an advance fee of $200 for said services by way of a check number 2572 made payable to MINDED from Nicolette W. On November 15, 2011, Hernandez charged and collected an advance fee of $300 for said services by way of a check number 2574 made payable to MINDED from Nicolette W.

5. Hernandez induced Nicolette W. to sign a durable power of attorney on November 13, 2011, which appointed Hernandez to act as power of attorney and fiduciary on behalf of Nicolette W. with respect to the subject property. At all times relevant, Hernandez was not licensed to practice law in the State of California.

6. Hernandez and MINDED failed to provide proof of any services that were actually completed on behalf of borrower Nicolette W. with respect to the subject property.

7. For a period of time beginning on June 1, 2011, through July 31, 2012, Hernandez, while doing business as MINDED, engaged in property management services for others including, but not necessarily limited to, Fern H., Lyn R., and Trudy and Adair B.

CONCLUSIONS OF LAW

Based on the information contained in Paragraphs 1 through 7, above, MINDED violated Code Section 10130 by engaging in activities requiring a real estate license without first obtaining a broker license from the Bureau.

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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 MINDED, whether doing business under that name or any other fictitious business name, immediately desist and refrain from performing any acts within the State of California for which a real estate broker license is required, unless it is so licensed.

DATED: MARCH 13, 2014.

REAL ESTATE COMMISSIONER

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: Minded and Shane Gabriel Hernandez
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