BUREAU OF REAL ESTATE
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FILED

MAR - 5 2015

BUREAU OF REAL ESTATE

By R. Contreras

STATE OF CALIFORNIA

BUREAU OF REAL ESTATE

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To: JOSE TOMAS aka JOSE TOMAS SILVA.	NO. H-2938 FR ORDER TO DESIST AND REFRAIN (B&P Code Section 10086)

The Real Estate Commissioner (Commissioner) of the California Bureau of Real Estate (Bureau) has caused an investigation to be made of the activities of JOSE TOMAS (TOMAS) aka JOSE TOMAS SILVA. Based on that investigation, the Commissioner has determined that TOMAS 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) including acting in the capacity of a real estate broker in the State of California within the meaning of Section 10131(a) (property sale) and (d) (mortgage loans) of the Code. Furthermore, based on the investigation, the Commissioner hereby issues the following Findings of Fact and Desist and Refrain Order under the authority of Code Section 10086.

FINDINGS OF FACT

1. At no time was TOMAS licensed in any capacity by the Bureau.

2. During the period of time set out below, TOMAS negotiated to do one or more of the following acts for another or others for compensation or in expectation of

compensation: sold or offered to sell, bought or offered to buy, solicited prospective sellers or purchasers of, solicited or obtained listings of, or negotiated the purchase, sale or exchange of real property or a business opportunity or solicited lenders or borrowers for or negotiated loans or collected payments or performed 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.

3. On about August 15, 2012, TOMAS took and cashed money orders in the amount of about $2,000.00 from Bernabe and Elvis M. (herein "Bernabe and Elvis"), which was to be used as a deposit on a property located on Middlefield Rd., Salinas, CA (herein "Middlefield Rd. Property"), falsely representing that the property would be theirs in four (4) months, when in fact, the Middlefield Rd. Property had been purchased at auction by an investor.

4. Between about July 2012 and January 2013, TOMAS showed Maria D. (herein "Maria") various properties and collected a check from her in the amount of about $1,850.00, representing that it was to obtain a home loan, which included the completion of a mortgage loan application on her behalf.

5. On about January 30, 2013, TOMAS collected and kept an earnest money deposit from Maria, in the amount of about $2,000.00, to be used for the purchase of a property located on Cross St., Salinas, CA.

CONCLUSIONS OF LAW

6. Based on the Findings of Fact contained in Paragraphs 1 through 5, TOMAS solicited for a mortgage loan and engaged in two (2) property sales, activities which require a real estate broker license under Sections 10130 and 10131(a) and (d) of the Code, during a period of time when TOMAS was not licensed by the Bureau in any capacity.

DESIST AND REFRAIN ORDER

Based upon the Findings of Fact and Conclusions of Law stated herein, JOSE TOMAS aka JOSE TOMAS SILVA IS 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, and in particular, immediately Desist and Refrain from soliciting mortgage loans and/or

engaging in property sales or from collecting funds in connection with mortgage loans and/or property sales for others for compensation or in the expectation of compensation unless an appropriate license is issued by the Bureau.

DATED: MARCH 3, 2015

REAL ESTATE COMMISSIONER

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) . . ."

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