FILED

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BUREAU OF REAL ESTATE

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BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

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To: MARTIN MORTGAGE CORPORATION doing business as MARTIN FINANCIAL AND BEVERLY LOUISE MARTIN.	No. H-2958 FR ORDER TO DESIST AND REFRAIN (B&P Code Section 10086)

The Real Estate Commissioner of the State of California (Commissioner) has caused an investigation to be made of the activities of MARTIN MORTGAGE CORPORATION doing business as MARTIN FINANCIAL (MMC) and BEVERLY LOUISE MARTIN (MARTIN), collectively referred to as Respondents. Based on that investigation, the Commissioner has determined that Respondents 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 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(b) (property management services) and 10131(d) (mortgage loan services) 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 10186 of the Code.

MMC and MARTIN have violated Section 10130 of the Code by engaging in the business of or acting as a real estate broker, within the meaning of Section 10131(b) and 10131(d) of the Code without having obtained a real estate broker license from the California Bureau of Real Estate (Bureau).

Whenever acts referred to below are attributed to MMC, those acts are alleged to have been done by MMC, acting by MARTIN, or by and/or through one or more agents, associates, and/or co-conspirators, and using other names or fictitious names unknown at this time, including Martin Financial, Martin Financial Services or other dbas.

FINDINGS OF FACT

1. At no time mentioned herein, was MMC licensed by the Bureau as a corporate real estate broker, having surrendered its license on February 19, 2013, in case No. H-2739 FR. On or about September 2, 2014, MMC's Corporate status was suspended by the California Franchise Tax Board.

2. At no time mentioned herein, was MARTIN licensed by the Bureau as a real estate salesperson or real estate broker, having surrendered her license on February 19, 2013, in case No. H-2739 FR.

3. At all times mentioned, Respondents engaged in the business of, acted in the capacity of, advertised, or assumed to act as a real estate licensee, in the State of California, within the meaning of:

a) Section 10131(b) of the Code in the operation and conduct of a property management business with the public wherein, on behalf of others, for compensation or in expectation of compensation, Respondents leased or rented and offered to lease or rent, and placed for rent, and solicited listings of places for rent, and solicited for prospective tenants of real property or improvement thereon, and collected rents from real property or improvement thereon;

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b) Section 10131(d) of the Code, including the operation and conduct of a mortgage loan brokerage business with the public wherein Respondents solicited lenders and borrowers for loans secured directly or collaterally by liens on real property or a business opportunity, and wherein such loans were arranged, negotiated, processed, and consummated by Respondents on behalf of others for compensation or in expectation of a compensation.

4. Sometime before March of 2013, Respondents brokered Loan No.03455A, in the amount of $210,000.00 for Merced County Community Action Agency. Thereafter Respondents acted as the loan servicer for Loan No. 03455A.

5. From March 1, 2013 through September 3, 2013, Respondents on behalf of the lender collected mortgage payments on Loan Account No. 03455A from the borrowers. Respondents received a percentage of the payments as compensation.

6. From April 12, 2013 through October 10, 2013, Respondents made distributions on Loan Account No. 03455A to the lender.

7. Sometime before January 2014, Respondents brokered Loan No. 03550A, on behalf of Fassell E., to purchase certain real property known as 1850 Country Club Blvd. in Stockton, California.

8. From January 2014, through March 2014, Respondents, on behalf of the lender collected loan payments on Loan No. 03550A from the borrower. Respondents received a percentage of the payment as compensation.

9. From and since February 19, 2013, Respondents continued to communicate on behalf of the lender with Cimarron Trust Services, which was handling the foreclosure on a property that secured Loan No. 03550A.

10. From March 2013, through October 2014, Respondents, on behalf of the owner, collected rents from tenant Aegis Treatment Center, which was a tenant at a property secured by Loan No. 03550A.

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CONCLUSIONS OF LAW

1. Based on the Findings of Fact contained in Paragraphs 1 through 10, above, MMC and MARTIN have performed and/or participated in mortgage loan activities which require a real estate license under Section 10131(d) of the Code and have performed and/or participated in property management activities which require a real estate license under Section 10131(b) of the Code, during a period of time when neither MMC or MARTIN was licensed by the Bureau as a real estate salesperson or broker in violation of Section 10130 of the Code.

DESIST AND REFRAIN ORDER

Now, therefore, MARTIN MORTGAGE CORPORATION and BEVERLY LOUISE MARTIN ARE HEREBY ORDERED TO IMMEDIATELY DESIST AND REFRAIN from performing any and all acts within the State of California for which a real estate broker license is required, unless and until they obtain a real estate broker license.

DATED: July 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)..."