FILED

DEPARTMENT OF REAL ESTATE
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May 29, 2012

DEPARTMENT OF REAL ESTATE

By: _____

STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

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To: GABRIEL LUNA DE LA FUENTE	NO. H-4357 SD ORDER TO DESIST AND REFRAIN (B&P Code Section 10086)

The Commissioner (Commissioner) of the California Department of Real Estate (Department) caused an investigation to be made of the activities of GABRIEL LUNA DE LA FUENTE doing business under the fictitious name of SECOND TO NONE SERVICES. Based on that investigation, the Commissioner has determined that GABRIEL LUNA DE LA FUENTE has engaged in, is engaging in, or is attempting to engage in, acts or practices requiring a real estate broker license in violation of Section 10130 of the California Business and Professions Code (hereinafter "the Code"), including engaging in the business of, acting in the capacity of, advertising, or assuming to act as, a real estate broker in the State of California within the meaning of Section10131(d) (on behalf of others, for or in expectation of compensation, performing services for borrowers or lenders in connection with loans secured by real property) of the Code without having been issued a real estate license. Based on the findings of that investigation, as set forth below, the Commissioner hereby issues the following

Findings of Fact, Conclusions of Law, and Desist and Refrain Order under authority of Section 10086 of the Code.

FINDINGS OF FACT

1. At no time herein mentioned has GABRIEL LUNA DE LA FUENTE been licensed by the Department in any capacity.

2. During the period of time set out below, solicited or negotiated with borrowers and lenders to perform services in connection with loans secured by real property in connection with loans secured by real property.

3. For an unknown period of time prior to September 9, 2009, until and including July 7, 2010, GABRIEL LUNA DE LA FUENTE for or in expectation of compensation solicited and/or negotiated with or on behalf of borrowers for the purpose of performing services for borrowers or lenders in connection with loans secured by real property to negotiate loan modification and to negotiate with the borrowers' lender in violation of Section 10130 of the Code (unlawful for any person to engage in the business of, act in the capacity of, advertise or assume to act as a real estate broker or salesperson unless licensed by the Department), and Section 10139 of the Code (unlawful for any person to act as a real estate broker or real estate salesperson without a license).

4. For an unknown period of time prior to September 9, 2009, until and including July 7, 2010, GABRIEL LUNA DE LA FUENTE solicited Francisco H., a borrower, for the purpose of performing services on behalf of said borrower in connection with loans secured by said borrower's real property and for the purpose of negotiating with said borrower's lenders to obtain a loan modification with respect to said borrower's real property identified as 517 E. Street in Chula Vista

CONCLUSIONS OF LAW

5. Based on the information contained in paragraphs 1 through 4, GABRIEL LUNA DE LA FUENTE solicited or negotiated with borrowers and/or lenders to perform services in connection with loans secured by real property on behalf borrowers and lenders, acts

which require a real estate license under Section 10131(d) of the Code, during a period of time when GABRIEL LUNA DE LA FUENTE was not licensed by the Department in any capacity in violation of Section 10130 of the Code.

DESIST AND REFRAIN ORDER

8. Based on the FINDINGS OF FACT and CONCLUSIONS OF LAW stated herein, it is hereby ordered that GABRIEL LUNA DE LA FUENTE, doing business under your own name, or any other names, ARE HEREBY ORDERED to immediately desist and refrain from performing acts within the State of California for which a real estate broker license is required until GABRIEL LUNA DE LA FUENTE is properly licensed. In particular, you are ORDERED TO DESIST AND REFRAIN from:

1.) Soliciting or negotiating with borrowers and lenders to perform services in connection with loans secured by real property, unless and until you obtain a real estate broker license issued by the Department;

2.) Charging 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 modifications or any other form of mortgage loan forbearance service in connection with loans on residential property containing four or fewer dwelling units; and,

3.) Charging, demanding, claiming, collecting and/or receiving advance fees, as that term is defined in Section 10026 of the Code, for any other real estate related services offered by you to others.

DATED: May 17, 2012

Real Estate Commissioner

By WAYNE S. BELL
Chief Counsel

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