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DEPARTMENT OF REAL ESTATE
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August 15, 2012

DEPARTMENT OF REAL ESTATE

By _____

STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

To: RENEE MARIE VAN DYK, doing business as CRE ANALYTICS	No. H-4398 SD ORDER TO DESIST AND REFRAIN (B&P Code Section 10086)

The Commissioner of the California Department of Real Estate (Department) caused an investigation to be made of the activities of RENEE MARIE VAN DYK (VAN DYK), doing business as CRE ANALYTICS (CRE). Based on that investigation, the Commissioner has determined that VAN DYK and CRE 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) and/or Title 10, Chapter 6, California Code of Regulations (Regulations), 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 Sections 10131(d) (performing services for borrowers and/or lenders in connection with loans secured by real property) and 10131.2 (real estate broker license required to charge and collect an advance fee) 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 10086 of the Code.

Whenever acts referred to below are attributed to CRE, those acts are alleged to have been done by VAN DYK, acting by herself, or by and/or through one or more agents, associates, affiliates, and/or co-conspirators, and using the name "CRE Analytics", or other names or fictitious names unknown at this time.

FINDINGS OF FACT

1. At no time has VAN DYK been licensed by the Department in any capacity.

2. CRE is a fictitious business name registered to VAN DYK in the County of San Diego. At no time mentioned has CRE been licensed by the Department in any capacity.

3. During the period of time set forth below, VAN DYK and CRE solicited borrowers and negotiated to do one or more of the following acts for another or others, for or in expectation of compensation; 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. Beginning on or about December 21, 2010, VAN DYK, as a representative of CRE, solicited Lawrence C. (Lawrence) in order to provide a loan modification and negotiation services on behalf of Lawrence in connection with a loan secured by real property located in Westlake, Ohio.

5. On or about December 21, 2010, VAN DYK, as a representative of CRE, demanded and received an advance fee of $3,500 from Lawrence for the activities described in Paragraph 4.

CONCLUSIONS OF LAW

6. Based on the findings of fact contained in paragraphs 1 through 5, VAN DYK and CRE solicited one or more borrowers to perform services for those borrowers and/or those borrowers' lenders in connection with loans secured directly or collaterally by one or more liens on real property located within the State of California, and charged, demanded or collected advance fees for the services to be provided, which acts require a real estate broker license under

Sections 10131(d) (real estate license required for enumerated acts) and 10131.2 (real estate broker license required to charge or collect an advance fee) of the Code, in violation of Section 10130 of the Code.

7. VAN DYK and CRE used a form of advance fee agreement which had not been provided to the Department for its prior review and consideration, in violation of Section 10085 of the Code (prior submission of advance fee materials required) and Section 2970 (details for prior submission of advance fee materials) of the Regulations.

DESIST AND REFRAIN ORDER

Based on the Findings of Fact and Conclusions of Law stated herein, VAN DYK and CRE, whether doing business under your own name, or any other name or fictitious name, ARE HEREBY ORDERED to:

1. 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 soliciting borrowers and/or performing services for borrowers or lenders in connection with loans secured directly or collaterally by one or more liens on real property, unless and until you obtain a real estate broker license issued by the Department.

2. Immediately desist and refrain from charging, demanding, claiming, collecting and/or receiving advance fees, as that term is defined in Section 10026 of the Code, for any of the services you offer to others, unless and until you demonstrate and provide evidence satisfactory to the Commissioner that you are properly licensed by the Department as a real estate broker, and that VAN DYK and CRE:

(A) Have an advance fee agreement which has been submitted to the Department and which is in compliance with Sections 2970 and 2972 of the Regulations;

(B) Have placed all previously collected advance fees into a trust account for that purpose and are in compliance with Section 10146 of the Code; and

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(C) Have provided an accounting to trust fund owner-beneficiaries pursuant to Section 2972 of the Regulations.

DATED: 7/23/2012

REAL ESTATE COMMISSIONER

By WAYNE S. BELL
Chief Counsel

- 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)."