FILED

FEB 19 2013

DEPARTMENT OF REAL ESTATE
BY: _____

Department of Real Estate
320 West 4th Street, Suite 350
Los Angeles, California 90013-1105

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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| To: BEST MORTGAGE SOLUTIONS and BMS LAW | No. H-04462 SD<br><br>ORDER TO DESIST AND REFRAIN<br><br>(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 BEST MORTGAGE SOLUTIONS and BMS LAW. Based on that investigation, the Commissioner has determined that BEST MORTGAGE SOLUTIONS and BMS LAW have engaged in, or are engaging in acts, or are attempting to engage in the business of, acting in the capacity of, and/or assuming to act as real estate brokers in the State of California within the meaning of Business and Professions Code Sections 10131(d) (performing services for borrowers in connection with loans secured by real property) and 10131.2 (advance fee handling).

In addition, based on that investigation, the Commissioner has determined that BEST MORTGAGE SOLUTIONS and BMS LAW have engaged in or are engaging in acts or are attempting to engage in practices constituting violations of the California Business and

Professions Code ("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. BEST MORTGAGE SOLUTIONS and BMS LAW are not now, and have never been, licensed by the Department in any capacity.

2. At the times set forth below, BEST MORTGAGE SOLUTIONS and BMS LAW negotiated to do one or more of the following acts for another or others, for or in expectation of compensation: engaged in the business of a loan modification and negotiation service and advance fee brokerage with respect to loans which were secured by liens on real property for compensation or in expectation of compensation and for fees collected in advance of the transaction.

John and Lae L. Transaction

3. On or about August 27, 2009, John and Lae L. entered into an agreement with BEST MORTGAGE SOLUTIONS, in which BEST MORTGAGE SOLUTIONS offered to negotiate a modification of John and Lae L's loan, which was secured by a lien(s) on real property, in exchange for an advance fee payment. On August 27, 2009, John and Lae L. submitted $1,850 to BEST MORTGAGE SOLUTIONS, as an advance fee for a loan modification.

Turner D. Transaction

4. On or about June 15, 2010, Turner D. paid $1,200 to BMS LAW as an advance fee to negotiate a modification of Turner D's loan, which was secured by a lien(s) on real property.

Mardino E. Transaction

5. On or about July 1, 2010, Mardino E. entered into an agreement with BEST MORTGAGE SOLUTIONS, in which BEST MORTGAGE SOLUTIONS offered to negotiate a modification of Mardino E's loan, which was secured by a lien(s) on real property. Between

July 6, 2010 and August 24, 2010, Mardino E. submitted $2,500 to BMS LAW, as advance fees for a loan modification.

Elizabeth E. Transaction

6. Between December 1, 2010 and March 7, 2011, Elizabeth E. submitted $12,000 to BMS LAW, as advance fees for negotiation of a modification of Elizabeth E.'s loan, which was secured by a lien(s) on real property.

CONCLUSIONS OF LAW

7. Based on the information contained in Paragraphs 1 through 6 above, BEST MORTGAGE SOLUTIONS and BMS LAW violated Code Section 10130 by engaging in activities requiring a broker license without first obtaining a broker license from the Department.

DESIST AND REFRAIN ORDER

Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW stated herein, it is hereby ordered that BEST MORTGAGE SOLUTIONS and BMS LAW, immediately desist and refrain from: performing any acts within the State of California for which a real estate broker license is required, unless you are so licensed.

IT IS FURTHER ORDERED THAT BEST MORTGAGE SOLUTIONS and BMS LAW immediately desist and refrain from:

1. 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 modification or any other form of mortgage loan forbearance services in connection with loans on residential property containing four or fewer dwelling units.
2. Charging, demanding, claiming, collecting and/or receiving advance fees, as that term is defined in Section 10026 of the Code, for any of the other real estate related services offered to others.

DATED: 2/6/13

Real Estate Commissioner
By AWET P. KIDANE
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: BMS LAW
BEST MORTGAGE SOLUTIONS

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