DEPARTMENT OF REAL ESTATE
P. O. Box 187007
Sacramento, CA 95818-7007

Telephone: (916) 227-0791

FILED

FEB 22 2013

DEPARTMENT OF REAL ESTATE

By D. Contreras

STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

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To: RICHARD FECTEAU and TEAM FECTEAU, INC.	NO. H-5959 SAC ORDER TO DESIST AND REFRAIN (B&P Code Section 10086)

The Real Estate Commissioner (Commissioner) of the California Department of Real Estate (Department) caused an investigation to be made of the activities of RICHARD FECTEAU (FECTEAU) and TEAM FECTEAU, INC. (TFI). Based on the investigation, the Commissioner has determined that FECTEAU and TFI 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 Sections 10131(d) (performing services for borrowers in connection with loans secured by real property), 10085.6 (claiming/ collecting/receiving advanced fees), and 10177(j) (fraud or dishonest dealing) 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 FECTEAU or TFI, those acts are alleged to have been done by FECTEAU or TFI, acting by themselves, or by/through one or more agents, associates, affiliates, and/or co-conspirators, and using the names FECTEAU, TFI, or other names or fictitious names unknown at this time.

FINDINGS OF FACT

1. At no time herein mentioned has FECTEAU or TFI been licensed by the Department in any capacity.

2. On about January 2011, TFI through FECTEAU, solicited Tobina A. (Tobina) promising to negotiate with her lender to provide her with a loan modification for compensation or in the expectation of compensation, inducing Tobina to sign a bank authorization form and agree to pay an advance fee to FECTEAU in the amount of about $3,000 for negotiating with her lender for her property located at 2776 Dry Creek Way, Stockton CA 95206-2891.

3. On about April 2011, FECTEAU claimed, received, and collected an advanced fee from Tobina in the amount of $1,000 for negotiating a loan modification, when, in fact, FECTEAU never contacted Tobina's lender.

4. Between about January 2011 and December 2011, FECTEAU and TFI solicited with an expectation of compensation, through the internet, to negotiate mortgage loans with lenders, inviting distressed homeowners to "Let us orchestrate the litigation against your bank or lender for you. Instead of allowing the bank to push you around and Short you in a typical foreclosure nightmare, allow Team Fecteau Inc. to negotiate a deal on your behalf."

CONCLUSIONS OF LAW

5. Based on the Findings of Fact contained in paragraphs 1 through 4, FECTEAU and TFI, acting by themselves, or by/through one or more agents, associates, affiliates, and/or co-conspirators and using the name TFI, or other names or fictitious names unknown at this time, solicited distressed homeowners to negotiate mortgage loans with lenders, which require a real estate license under Sections 10130 and 10131(d) of the Code, during a period of time when FECTEAU and TFI were not licensed by the Department in any capacity.

6. Based on the Findings of Fact contained in paragraphs 1 through 4, FECTEAU and TFI, acting by themselves, or by/through one or more agents, associates, affiliates, and/or co-conspirators, and using the name TFI, or other names or fictitious names unknown at this time, charged, received and/or collected, or contracted for advanced fees, in violation of Section 10085.6 of the Code.

DESIST AND REFRAIN ORDER

Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW stated herein, it is hereby ordered that, RICHARD FECTEAU and TEAM FECTEAU, INC., whether doing business under their own names, or any other names, or any fictitious name, ARE 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. In particular each of them is ORDERED TO DESIST AND REFRAIN from:

1. charging, demanding, claiming, collecting/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 (Code Section 10085.6);

2. charging, demanding, claiming, collecting/receiving advance fees, as that term is defined in Section 10026 of the Code, for any other real estate related services offered by them to others; and

3. soliciting borrowers/performing services for borrowers or lenders in connection with loans secured directly or collaterally by one or more liens on real property.

DATED: Sept. 20, 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) . . ."

cc: RICHARD FECTEAU
TEAM FECTEAU, INC.
6325 San Pablo Drive, #221
Citrus Heights, CA 95610

ATTY MFC/kc