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DEPARTMENT OF REAL ESTATE
BY: Geraldine Valencia

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

To: THOMAS ROJAS	No. H-38164 LA 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 THOMAS ROJAS ("ROJAS"). Based on that investigation the Commissioner has determined that ROJAS has engaged in, or is engaging in, acts, or is attempting to engage in 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 Business and Professions Code Sections 10131(d) (soliciting or collecting payments from 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 ROJAS has engaged in, or is engaging in, acts, or is 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. ROJAS is not now, nor has he ever been, licensed by the Department in any capacity.

2. On or about October 22, 2009, ROJAS filed a fictitious business name statement with the Auditor/Controller-Recorder for the County of San Bernardino, naming ROJAS as the registrant for United Escrow and Trustee Company ("United"). United is not now, nor has it ever been, licensed by the Department in any capacity.

3. On or about October 21, 2009, ROJAS filed a fictitious business name statement with the Auditor/Controller-Recorder for the County of San Bernardino, naming ROJAS as the registrant for Coast to Coast Financial Services ("Coast"). Coast has never been licensed by the Department as a fictitious business name for ROJAS. Since February 20, 1996, Coast has been licensed as a fictitious business name for broker Jerry Michael Schulman. However, Jerry Michael Schulman had no knowledge of, or involvement with, the activities described below.

4. At the times set forth below ROJAS 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, acted in the capacity of, or advertised 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.

5. Lori C. Transaction

On or about March 1, 2010, Lori C. entered into an agreement with Coast, in which Coast agreed to negotiate a modification of Lori C.'s home mortgage loan, in exchange for the payment of an advance fee. Among the terms of this Agreement was a statement that "I agree to pay the full amount owed Coast 2 Coast Financial Services through United Escrow and

Trustee Company before my modification is complete." On March 1, 2010, Lori C. issued a $1,750 check to United as an advance fee for a loan modification. On March 17, 2010, Lori C. issued another $1,750 check to United as an advance fee for a loan modification.

6. Robert and Heather N. Transaction

On or about April 6, 2010, Robert and Heather N. entered into an agreement with Coast, in which Coast agreed to negotiate a modification of Robert and Heather N.'s home mortgage loan, in exchange for the payment of an advance fee.

7. Marisa M. Transaction

On or about Mary 7, 2010, Marisa M. was solicited by ROJAS regarding loan modification services offered by Coast. On or about May 25, 2010, Marisa M. entered into an agreement with Coast, in which Coast agreed to negotiate a modification of Marisa M.'s home mortgage loan, in exchange for the payment of an advance fee. Among the terms of this Agreement was a statement that "I agree to pay the full amount owed Coast 2 Coast Financial Services through United Escrow and Trustee Company before my modification is complete." On May 25, 2010, Marisa M. issued a $3,500 check to United as an advance fee for a loan modification.

8. Daniel and Yvonne T. Transaction

On or about July 30, 2010, Daniel and Yvonne T. entered into an agreement with Coast, in which Coast agreed to negotiate a modification of Daniel and Yvonne T.'s home mortgage loan, in exchange for the payment of an advance fee. Among the terms of this Agreement was a statement that "I agree to pay the full amount owed Coast 2 Coast Financial Services through United Escrow and Trustee Company before my modification is complete." Between July 30, 2010 and September 2, 2010, Daniel and Yvonne T. issued $4,900 to United as advance fees for a loan modification.

CONCLUSIONS OF LAW

Based on the information contained in Paragraphs 1 through 8 above, ROJAS 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 THOMAS ROJAS, whether doing business under his own name, or any other names, or any fictitious name, is 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, he is ORDERED TO 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; and
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: 4/22/2012

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: THOMAS ROJAS
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