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FILED

JUN 25 2012

DEPARTMENT OF REAL ESTATE
BY: C.

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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To: EXPRESS MODIFICATIONS, DAVID GOTTERUP, RANDY GOTTERUP, and SANDRA GONZALEZ.	No. H-38216 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 EXPRESS MODIFICATIONS, DAVID GOTTERUP, RANDY GOTTERUP, and SANDRA GONZALEZ aka Sandra Gonzales. Based on that investigation the Commissioner has determined that EXPRESS MODIFICATIONS, DAVID GOTTERUP, RANDY GOTTERUP, and SANDRA GONZALEZ have engaged in or are engaging in acts or attempting to engage in the business of, acting in the capacity of, and/or advertising or assuming to act as real estate brokers in the State of California within the meaning of Business and Professions Code Section 10131(d) (solicit borrowers for or negotiate loans or perform services for borrowers in connection with loans secured by liens on real property).

In addition, based on that investigation, the Commissioner has determined that EXPRESS MODIFICATIONS, DAVID GOTTERUP, RANDY GOTTERUP, and SANDRA GONZALEZ have engaged in or are engaging in acts or are attempting to engage 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. At no time mentioned herein have EXPRESS MODIFICATIONS, DAVID GOTTERUP, RANDY GOTTERUP, and SANDRA GONZALEZ ever been licensed by the Department in any capacity.

2. DAVID GOTTERUP and RANDY GOTTERUP are officers or directors of EXPRESS MODIFICATIONS.

3. For an unknown period of time beginning no later than February 25, 2009, while using the unlicensed fictitious business name EXPRESS MODIFICATIONS, DAVID GOTTERUP, RANDY GOTTERUP, and SANDRA GONZALEZ engaged in the business of soliciting borrowers to modify or negotiate loans secured by real property, and claimed, demanded, charged, received, collected or contracted for the collection of advance fees, within the meaning of Code Section 10026.

4. On or about February 25, 2009, SANDRA GONZALEZ and RANDY GOTTERUP solicited loan modification and negotiation services on behalf of EXPRESS MODIFICATIONS to borrower Parrish J. Parrish J. paid an advance fee of $1,250 to EXPRESS MODIFICATIONS pursuant to an advance fee agreement for loan modification and negotiation services in connection with a loan secured by a lien on real property located in California. EXPRESS MODIFICATIONS failed to perform the loan modification and negotiation services that had been promised to Parrish J. EXPRESS MODIFICATIONS failed to refund the advance fee paid by Parrish J.

CONCLUSIONS OF LAW

Based on the information contained in Paragraphs 1 through 4, above, EXPRESS MODIFICATIONS, DAVID GOTTERUP, RANDY GOTTERUP, and SANDRA GONZALEZ, violated Section 10130 of the Code by engaging in the activities without first obtaining a broker license from the Department or being under the employ of a licensed real estate broker.

DESIST AND REFRAIN ORDER

Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW stated herein, IT IS HEREBY ORDERED THAT EXPRESS MODIFICATIONS, DAVID GOTTERUP, RANDY GOTTERUP, and SANDRA GONZALEZ 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 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 loan 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 other real estate related services offered by them to others.

DATED: May 29, 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: Express Modifications, David Gotterup, Randy Gotterup, Sandra Gonzalez
595 Stewart Ave. #720
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