Department of Real Estate
320 West Fourth St. #350
Los Angeles, CA 90013

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FILED

JAN 25 2013

DEPARTMENT OF REAL ESTATE
BY: _____

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

To:	No. H-38671 LA
OMAR SANDOVAL.	ORDER TO DESIST AND REFRAIN
	(B&P Code Section 10086)

The Real Estate Commissioner of the State of California ("Commissioner") has caused an investigation to be made of the activities of OMAR SANDOVAL. Based on that investigation, the Commissioner has determined that OMAR SANDOVAL has engaged in, is engaging in, or is attempting to engage in, acts or practices constituting violations of the California Business and Professions Code ("Code"), including acting in the capacity of, advertising and/or assuming to act as a real estate broker in the State of California within the meaning of Code Sections 10131(d) (advertising, soliciting borrowers for, and offering to perform loan modification services for distressed homeowners) and 10131.2 (collecting advance fees in connection with those services). Based on that 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.

FINDINGS OF FACT

1. OMAR SANDOVAL ("SANDOVAL") is licensed by the Department of Real Estate of the State of California ("Department") as a real estate salesperson. SANDOVAL was originally licensed by the Department on October 18, 2007. SANDOVAL has never been licensed by the Department as a real estate broker.

2. SANDOVAL is, and at all times relevant herein was, licensed to conduct real estate activities as a salesperson under the employment of Colonial Realty Group Inc. as his supervising broker of record.

3. Beginning on or before December 1, 2009 and continuing through on or after October 13, 2011, SANDOVAL engaged in the business of, acted in the capacity of, advertised or assumed to act as a real estate broker in the State of California within the meaning of Business and Professions Code ("Code") Sections 10131(d) and 10131.2. His activities included soliciting borrowers or lenders for and/or negotiating loans, collecting payments and/or performing services for borrowers or lenders in connection with loans secured by liens on real property. His activities also included claiming, demanding, charging, receiving, collecting or contracting for the collection of advance fees within the meaning of Code Sections 10026 and 10085.

4. On or about October 30, 2010, Respondent SANDOVAL entered into a loan modification agreement with Hector and Deifilia A. pursuant to which SANDOVAL promised to assist Hector and Deifilia A. in negotiating with their lender to try to obtain a modification of the terms of their home loan in exchange for payment of an upfront fee of $3,500.00.

5. Between October 30, 2010 and January 3, 2011, Hector and Deifilia A. paid SANDOVAL the $3,500.00 fee. SANDOVAL did not provide any services to Hector and Deifilia A., and did not assist them in obtaining a modification of their home loan. He refused to

communicate with them and did not refund any portion of the fees they paid.

6. On or about December 8, 2009, SANDOVAL, using the business name Coast 2 Coast Financial, collected an advance fee of $4,500.00 for loan modification services from Jose G. SANDOVAL promised to provide Jose G. with assistance in negotiating with lenders. SANDOVAL never provided any services to Jose G. and refused to refund any portion of the fees paid.

7. At the time that SANDOVAL solicited and collected advance fees from Hector and Deifilia A. and from Jose G., SANDOVAL was not acting with the knowledge, authority or supervision of his supervising broker Colonial Realty Group Inc. or its designated broker-officer Kenneth Moore McFarland. SANDOVAL's supervising broker was not aware of the loan modification transactions he was engaging in.

8. At the time that SANDOVAL solicited and collected advance fees from Hector and Deifilia A. and from Jose G., it was unlawful in the State of California for anyone to collect advance fees for loan modification services.

CONCLUSIONS OF LAW

1. The conduct, acts and/or omissions of SANDOVAL, as set forth in the Findings of Fact above, when not licensed by the Department as a real estate broker or acting as a salesperson agent, employed and supervised by a real estate broker licensed by the Department, was in violation of Code Section 10130.

2. The conduct, acts and/or omissions of SANDOVAL, as set forth in the Findings of Fact above, in soliciting and collecting advance fees for loan modification services after October 30, 2009, was in violation of Code Sections 10085 and 10085.5.

3. The conduct, acts, and/or omission of SANDOVAL, in accepting compensation for activities requiring a real estate broker license from someone other than his

employing broker of record and without his employing broker's knowledge, authority or supervision was in violation of Code Sections 10137, 10177(d), 10176(i) and/or 10177(j).

DESIST AND REFRAIN ORDER

Based on the Findings of Fact and Conclusions of Law stated herein, OMAR SANDOVAL, whether doing business under his own name, or any other names, or fictitious names, IS HEREBY ORDERED to immediately desist and refrain from performing any acts which require a real estate broker license until he is properly licensed. Such acts include, but are not limited to:

(i) 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, and

(ii) charging, demanding, or collecting a fee for any of the services you offer to others, unless and until you obtain a real estate broker license issued by the Department, and until you demonstrate and provide evidence satisfactory to the Commissioner that you are in full compliance with all of the requirements of the Code and Commissioner's Regulations relating to charging, collecting, and accounting for fees.

DATED: 1/9/13.

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: Omar Sandoval
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