Sacto flag

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FILED

FEB 14 2013

DEPARTMENT OF REAL ESTATE
BY: _____

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Dept. of Real Estate

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MAIL SORT #2

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

To:	No. H-38712 LA
MOREIRA HOME LOANS, and MORLY MOREIRA	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 MOREIRA HOME LOANS ("MHL"), and MORLY MOREIRA ("MOREIRA"). Based on that investigation the Commissioner has determined that MHL and MOREIRA 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(a) (offering to buy real property for another), 10131(d) (soliciting borrowers, negotiating loans, collecting payments or 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 MHL and MOREIRA 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. MHL and MOREIRA are not now, nor have they ever been, licensed by the Department in any capacity.

2. On or about September 30, 2009, MOREIRA registered MHL as a fictitious business name with the San Bernardino County Recorder-Clerk.

3. At the times set forth below, MHL and MOREIRA negotiated to do one or more of the following acts for another or others, for or in expectation of compensation: offered to buy real property and 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(Code Sections 10131(a), 10131(d) and 10131.2) .

Lucila C. Transaction

4. In between October 22, 2009 and December 18, 2009, Lucila C. paid $3,000 in advance fees to MHL for services pertaining to Lucila C's loan, which was secured by real property.

Carlos J. Transaction

5. In between February 10, 2010 and March 30, 2010, Carlos J. paid $4,038 in advance fees to MHL for services pertaining to Carlos J's loan, which was secured by real property.

Carlos B. Transaction

6. On February 27, 2010, Carlos B. paid $3,000 in advance fees to MHL for services pertaining to Carlos B's loan, which was secured by real property.

Martha P. Transaction

7. In between October 23, 2009 and March 26, 2010, Martha P. paid $6,250 in advance fees to MHL for services pertaining to Martha P's loan, which was secured by real property.

Sandy O. Transaction

8. After being solicited by MHL regarding real estate purchase services offered by MHL, in between March 10, 2010 and March 31, 2010, Sandy O. paid $12,250 to MHL as a down payment for the purchase of real property. MOREIRA collected at least one down payment check from Sandy O.

CONCLUSIONS OF LAW

9. Based on the information contained in Paragraphs 1 through 8 above, MHL, MHL and MOREIRA 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 MOREIRA HOME LOANS and MORLY MOREIRA, 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, unless MOREIRA HOME LOANS and MORLY MOREIRA are properly licensed. 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 loans on residential property containing four or fewer dwelling units (Code Section 10085.6); 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: 2/5/13,

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: MOREIRA HOME LOANS
MORLY MOREIRA
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