

1 DEPARTMENT OF REAL ESTATE  
2 P. O. Box 187007  
3 Sacramento, CA 95818-7007  
4 Telephone: (916) 227-0789

FILED

JUN 10 2010

DEPARTMENT OF REAL ESTATE

By K. Contreras

8 STATE OF CALIFORNIA  
9 DEPARTMENT OF REAL ESTATE

10 \* \* \*

11 To: )  
12 ) NO. H-2494 FR  
13 SAN JOAQUIN REAL ESTATE & )  
14 FINANCIAL SERVICES, INC., and ) ORDER TO DESIST AND REFRAIN  
IRMA MACHADO. ) (B&P Code Section 10086)

15 The Commissioner (Commissioner) of the California Department of Real  
16 Estate (Department) has caused an investigation to be made of the activities of SAN JOAQUIN  
17 REAL ESTATE & FINANCIAL SERVICES, INC. (SJRE) and IRMA MACHADO  
18 (MACHADO). Based on that investigation, the Commissioner has determined that SJRE and  
19 MACHADO have engaged in, are engaging in, or are attempting to engage in, acts or practices  
20 constituting violations of the California Business and Professions Code (Code) and/or Title 10,  
21 Chapter 6, of the California Code of Regulations (Regulations), including the business of,  
22 acting in the capacity of, and/or advertising or assuming to act as, real estate brokers in the  
23 State of California within the meaning of Sections 10131.2 (broker claiming/collecting  
24 receiving advanced), 10085 (advanced fee agreements/materials) and 10085.5  
25 (claiming/collecting/receiving advanced fees) of the Code. Furthermore, based on the  
26 investigation, the Commissioner hereby issues the following Findings of Fact, Conclusions  
27 of Law, and Desist and Refrain Order under the authority of Section 10086 of the Code.

1 Whenever acts referred to below are attributed to SJRE and MACHADO, those  
2 acts are alleged to have been done by SJRE and MACHADO, acting by themselves, or by and/or  
3 through one or more agents, associates, affiliates, and/or co-conspirators.

4 FINDINGS OF FACT

- 5 1. SJRE is not now, and has never been, licensed by the Department in any capacity.  
6 2. MACHADO has been licensed by the Department as a real estate salesperson since  
7 July 22, 2004; her license expires on July 21, 2012.  
8 3. Between about November 21, 2008 and November 2, 2009, SJRE acting in concert with  
9 MACHADO solicited the following homeowners, collected advance fees, and negotiated  
10 to do one or more of the following acts for another or others, for or in expectation of  
11 compensation: negotiate one or more loans for, or perform services for borrowers and/or  
12 lenders in connection with loans secured directly or collaterally by one or more liens on  
13 real property.

<u>Date</u>	<u>Homeowner</u>	<u>Amount</u>	<u>Property</u>
11/21/08	Jose A. T.	\$3,345	7343 Houston Ave., Hanford, CA
2/18/09	Marisa A.	\$3,495	2227 E. Norwich Ave., Fresno, CA
3/31/09	Jose P.	\$3,150	2671 Peanut Dr., Madera, CA
7/23/09	Adolfo V.	\$3,500	2551 W. Soultz Dr., Tulare, CA
11/2/09	Enrique R.	\$7,000	5269 S. Chestnut, Fresno, CA and 4918 E. Burns Ave., Fresno, CA

21 CONCLUSIONS OF LAW

- 22 4. Based on the Findings of Fact contained in Paragraphs 1 through 3, SJRE and MACHADO,  
23 acting by themselves, or by and/or through one or more agents, associates, affiliates, and/or  
24 co-conspirators, solicited homeowners, entered into loan modification agreements prior to a  
25 review by the Commissioner of said advanced fee agreements, and collected advanced fees  
26 from those homeowners in connection with loans secured directly or collaterally by one or  
27 more liens on real property.

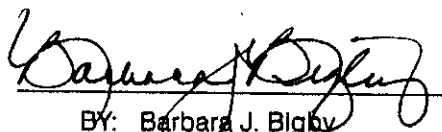
1 DESIST AND REFRAIN ORDER

2 Based on the Findings of Fact and Conclusions of Law stated herein, SAN  
3 JOAQUIN REAL ESTATE & FINANCIAL SERVICES, INC., and IRMA MACHADO,  
4 whether doing business under their own names, or any other names or fictitious names, are  
5 hereby ordered immediately to desist and refrain from performing any acts within the State of  
6 California for which a real estate broker license is required until and unless broker licenses are  
7 obtained and in particular, ARE HEREBY ORDERED IMMEDIATELY TO DESIST AND  
8 REFRAIN from:

- 9 1. charging, demanding, claiming, collecting and/or receiving advance fees, as that term is  
10 defined in Section 10026 of the Code, in any form, and under any conditions, with respect  
11 to the performance of loan modifications or any other form of mortgage loan forbearance  
12 service in connection with loans on residential property containing four or fewer dwelling  
13 units (Code Section 10085.6); and,  
14 2. charging, demanding, claiming, collecting and/or receiving advance fees, as that term is  
15 defined in Section 10026 of the Code, for any real estate related services, or any other  
16 service offered by them to others.

17 DATED: 6/1, 2010

18  
19 JEFF DAVI  
20 Real Estate Commissioner

21   
22 BY: Barbara J. Bligh  
23 Chief Deputy Commissioner

24 -NOTICE-

25 Business and Professions Code Section 10139 provides that "Any person acting as  
26 a real estate broker or real estate salesperson without a license or who advertises using words  
27 indicating that he or she is a real estate broker without being so licensed shall be guilty of a

1 public offense punishable by a fine not exceeding twenty thousand dollars (\$20,000), or by  
2 imprisonment in the county jail for a term not to exceed six months, or by both fine and  
3 imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars  
4 (\$60,000).”  
5  
6  
7  
8

9 cc: SAN JOAQUIN REAL ESTATE  
& FINANCIAL SERVICES, INC.  
10 Attn: Irma Machado, Agent for Service of Process  
325 Clovis Ave. Suite 114  
11 Clovis, CA 93612

12 IRMA MACHADO  
13 325 Clovis Ave. Suite 105  
14 Clovis, CA 93612

15 IRMA MACHADO  
16 584 W. Ellery  
Clovis, CA 93612  
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