

1 DEPARTMENT OF REAL ESTATE  
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FILED

AUG 08 2011

DEPARTMENT OF REAL ESTATE



STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

10 To: )  
11 ) NO. H-5651 SAC  
12 MOCTEZUMA TOVAR, )  
13 MANUEL HERRERA, ) ORDER TO DESIST AND REFRAIN  
14 RUBEN DARIO RODRIGUEZ, and )  
15 JAIME M. MAYORGA, ) (B&P Code Section 10086)

16 The Commissioner (hereinafter "Commissioner") of the California Department of Real  
17 Estate (hereinafter "Department") caused an investigation to be made of the activities of  
18 MOCTEZUMA TOVAR (TOVAR), MANUEL HERRERA (HERRERA), RUBEN DARIO  
19 RODRIGUEZ (RODRIGUEZ), and JAIME M. MAYORGA (MAYORGA) (hereinafter  
20 "Respondents"). Based on that investigation, the Commissioner has determined that  
21 Respondents have engaged in, are engaging in, or are attempting to engage in, acts or practices  
22 constituting violations of the California Business and Professions Code (hereinafter "the Code")  
23 and/or Title 10, Chapter 6, California Code of Regulations (hereinafter "the Regulations"),  
24 including the business of, acting in the capacity of, and/or advertising or assuming to act as, real  
25 estate brokers in the State of California within the meaning of Section 10131(d) (negotiating  
26 and/or servicing loans secured by real property). Furthermore, based on the investigation, the  
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1 Commissioner hereby issues the following Findings of Fact, Conclusions of Law, and Desist and  
2 Refrain Order under the authority of Section 10086 of the Code.

3 FINDINGS OF FACT

4 1. At all times referred to herein, Respondents were licensed by the  
5 Department or had license rights as real estate salespersons.

6 2. From approximately October 2004 through approximately May 2007,  
7 Respondents, for compensation or in expectation of compensation, knowing that prospective  
8 home buyers would not otherwise qualify for a home loan, submitted fraudulent mortgage loan  
9 applications and supporting documents to lenders, which falsely represented the borrowers' assets  
10 and income, liabilities, debts, employment status, citizenship status, and intent to occupy the  
11 property as their primary residences.

12 3. As a result of the acts referred to above, on or about July 14, 2011,  
13 Respondents were indicted by the Grand Jury of the United States District Court, Eastern District  
14 of California, in case number 2:11-CR-00296-WBS for violations of 18 US Code sections 1349  
15 (conspiracy to commit wire fraud) and 981(a)(1)(C) and 28 US Code section 2461(c) (criminal  
16 forfeiture).

17 4. As a condition of the release of Respondents on bail in the criminal case  
18 referred to above, on or about July 19, 2011, in connection with an Order For Release of Person  
19 In Custody, U.S. Magistrate Judge Dale A. Drozd ordered, in a Notice to Defendant Being  
20 Released - Conditions of Release, that Respondents "shall not engage in or assist others to  
21 engage in any real estate transactions during the pendency of this case."

22 CONCLUSIONS OF LAW

23 5. Based on the findings of fact contained in paragraphs 1 through 4 above,  
24 Respondents have performed and/or have participated in activities which require a real estate  
25 license under Sections 10130 and 10131(d) of the Code.

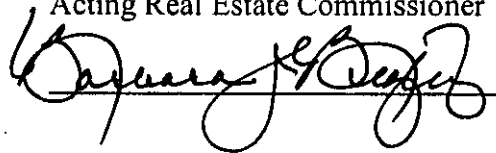
26 DESIST AND REFRAIN ORDER

27 Based on the Findings of Fact and Conclusions of Law stated herein, and on the  
bail release condition set forth in Findings of Fact number 4 in particular, above, MOCTEZUMA  
TOVAR, MANUEL HERRERA, RUBEN RODRIGUEZ, and JAIME MAYORGA, whether  
doing business under their own names, or any other names or fictitious names, ARE HEREBY

1 ORDERED to immediately desist and refrain from performing any acts within the State of  
2 California for which a real estate broker or salesperson license is required during the pendency of  
3 the criminal case referred to above.

4 DATED: 8/5/11

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6 BARBARA J. BIGBY  
Acting Real Estate Commissioner

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