

1 MARY F. CLARKE, Counsel (SBN 186744)
2 Department of Real Estate
3 P. O. Box 187007
Sacramento, CA 95818-7007

4 Telephone: (916) 227-0789
5 -or- (916) 227-0780 (Direct)

FILED

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DEPARTMENT OF REAL ESTATE

By K. Contreras

8 BEFORE THE
9 DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of)
13 CAROLINE V. CRUZ,) NO. H-5797 SAC
14 Respondent.) ACCUSATION
15)

16 The Complainant, TRICIA SOMMERS, a Deputy Real Estate Commissioner
17 of the State of California, for Accusation against CAROLINE V. CRUZ (herein "Respondent")
18 dba Powermax Financial, is informed and alleges as follows:

19 1

20 Complainant makes this Accusation in her official capacity.

21 2

22 At all times herein mentioned, Respondent was and now is licensed and/or has
23 license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions
24 Code) (herein "the Code").

25 3

26 At all times mentioned herein, Respondent was and now is licensed by the
27 Department of Real Estate (herein "Department") as a real estate salesperson.

1
2 At all times mentioned herein, Respondent engaged in the business of, acted in
3 the capacity of, advertised, or assumed to act as a real estate broker within the State of California
4 within the meaning of Section 10131(d) of the Code, including the operation and conduct of a
5 mortgage loan brokerage with the public wherein, on behalf of others, for compensation or in
6 expectation of compensation, Respondent solicited lenders or borrowers for or negotiated loans,
7 including loan modifications, or collected payments or performed services for borrowers or
8 lenders or note owners in connection with loans secured directly or collaterally by liens on real
9 property or on a business opportunity.

10
11 On about January 19, 2010, Respondent, without the knowledge of her broker,
12 agreed to represent Cesar J. (herein "Cesar") to provide loan modification services in order to
13 save Cesar's residence located on Falmouth Way, Sacramento, California, from foreclosure and
14 collected an advance fee in the amount of about \$1,600.00, in violation of Sections 10130
15 (license requirement), 10131.2 (broker collecting advance fees), 10137 (unlawful compensation),
16 and 10085.6 (collecting advanced fees) of the Code.

17
18 On about February 3, 2010, Respondent, without the knowledge of her broker,
19 collected an additional advance fee from Cesar in the amount of about \$1,000.00 for said loan
20 modification services as described in Paragraph 5, above, in violation of Sections 10130,
21 10131.2, 10137, and 10085.6 of the Code.

22
23 At all times mentioned herein, Respondent failed to deposit said advance fees,
24 described in Paragraphs 6 and 7, above, into a trust account and failed to provide Cesar with an
25 accounting of said advance fees, as required by Section 10146 (advance fee trust account) of the
26 Code and Section 2972 (accounting requirement) of Title 10, Chapter 6, of the California Code
27 of Regulations (herein "the Regulations").

The facts alleged above are grounds for the suspension or revocation of the license and license rights of Respondent under the following provisions of the Code:

(a) as to Paragraphs 5 and 6, under Sections 10130, 10131.2, 10137, and 10085.6 of the Code, in conjunction with Section 10177(d) of the Code; and

(b) as to Paragraph 7, under Section 10146 of the Code and Section 2972 of the Regulations, in conjunction with Section 10177(d) of the Code.

WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against all licenses and license rights of Respondent under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code), for the cost of the investigation and enforcement as permitted by law, and for such other and further relief as may be proper under other applicable provisions of law.


TRICIA SOMMERS
Deputy Real Estate Commissioner

Dated at Sacramento, California
this 22 day of March, 2012