

FILED
OCT 26 2010
DEPARTMENT OF REAL ESTATE

By C. [Signature]

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-36333 LA
CESAR A. VALDIVIA,)	L-2010040085
)	
Respondent.)	

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On October 29, 2009, an Accusation was filed in this matter against Respondent CESAR A. VALDIVIA.

On October 7, 2010, Respondent petitioned the Commissioner to voluntarily surrender his real estate salesperson license pursuant to Section 10100.2 of the Business and Professions Code.

IT IS HEREBY ORDERED that Respondent CESAR A. VALDIVIA's petition for voluntary surrender of his real estate salesperson license is accepted as of the effective date of this Order as set forth below, based upon the understanding and agreement expressed in Respondent's Declaration dated

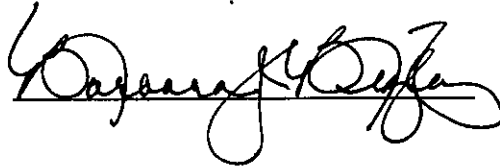
1 October 7, 2010 (attached as Exhibit "A" hereto). Respondent's
2 license certificate and pocket card shall be sent to the below
3 listed address so that they reach the Department on or before the
4 effective date of this Order:

5 Department of Real Estate
6 Attn: Licensing Flag Section
7 P.O. Box 187000
8 Sacramento, CA 95818-7000

9 This Order shall become effective at 12 o'clock noon
10 on November 15, 2010.

11 DATED: 10/20, 2010.

12 JEFF DAVI
13 Real Estate Commissioner

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-36333 LA
)	L-2010040085
<u>CESAR A. VALDIVIA</u> and)	
MARCO ANTONIO MUNOZ,)	
Respondents.)	

DECLARATION

My name is CESAR A. VALDIVIA, and I am currently licensed as a real estate salesperson and/or have license rights with respect to said license. I am representing myself in this matter.

In lieu of proceeding in this matter in accordance with the provisions of the Administrative Procedure Act (Sections 11400 et seq., of the Government Code), I wish to voluntarily surrender my real estate license issued by the Department of Real Estate ("Department"), pursuant to Business and Professions Code Section 10100.2.

1 I understand that by so voluntarily surrendering my
2 license, I may be relicensed as a broker or as a salesperson only
3 by petitioning for reinstatement pursuant to Section 11522 of the
4 Government Code. I also understand that by so voluntarily
5 surrendering my license, I agree to the following:

6 1. The filing of this Declaration shall be deemed as
7 my petition for voluntary surrender.

8 2. It shall also be deemed to be an understanding and
9 agreement by me that I waive all rights I have to require the
10 Commissioner to prove the allegations contained in the Accusation
11 filed in this matter at a hearing held in accordance with the
12 provisions of the Administrative Procedure Act (Government Code
13 Sections 11400 et seq.), and that I also waive other rights
14 afforded to me in connection with the hearing such as the right
15 to discovery, the right to present evidence in defense of the
16 allegations in the Accusation and the right to cross-examine
17 witnesses.

18 3. I further agree that upon acceptance by the
19 Commissioner, as evidenced by an appropriate order, all
20 affidavits and all relevant evidence obtained by the Department
21 in this matter prior to the Commissioner's acceptance, and all
22 allegations contained in the Accusation filed in the Department
23 Case No. H-36333 LA, may be considered by the Department to be
24 true and correct for the purpose of deciding whether to grant
25 relicensure or reinstatement pursuant to Government Code
26 Section 11522.

27

4. I freely and voluntarily surrender all my licenses and license rights under the Real Estate Law.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct and that this declaration was executed on OCTOBER 7TH, 2010, at LIMA - PERU (city/country) A

CESAR A. VARDIVIA

By C

* * *

1 October 12, 2010 (attached as Exhibit "A" hereto). Respondent's
2 license certificate and pocket card shall be sent to the below
3 listed address so that they reach the Department on or before the
4 effective date of this Order:

5 Department of Real Estate
6 Attn: Licensing Flag Section
7 P.O. Box 187000
8 Sacramento, CA 95818-7000

9 This Order shall become effective at 12 o'clock noon
10 on November 15, 2010.

11 DATED: 10/20, 2010.

12 JEFF DAVI
13 Real Estate Commissioner

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) No. H-36333 LA
) L-2010040085
)
CESAR A. VALDIVIA and)
)
MARCO ANTONIO MUNOZ,)
)
Respondents.)

DECLARATION

My name is MARCO ANTONIO MUNOZ, and I am currently
licensed as a real estate salesperson and/or have license rights
with respect to said license. I am representing myself in this
matter.

In lieu of proceeding in this matter in accordance
with the provisions of the Administrative Procedure Act
(Sections 11400 et seq., of the Government Code), I wish to
voluntarily surrender my real estate license issued by the
Department of Real Estate ("Department"), pursuant to Business
and Professions Code Section 10100.2.

1 I understand that by so voluntarily surrendering my
2 license, I may be relicensed as a broker or as a salesperson
3 only by petitioning for reinstatement pursuant to Section 11522
4 of the Government Code. I also understand that by so
5 voluntarily surrendering my license, I agree to the following:

6 1. The filing of this Declaration shall be deemed as
7 my petition for voluntary surrender.

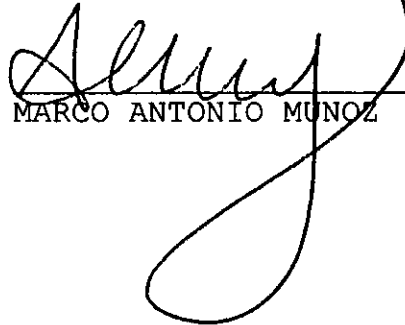
8 2. It shall also be deemed to be an understanding and
9 agreement by me that I waive all rights I have to require the
10 Commissioner to prove the allegations contained in the
11 Accusation filed in this matter at a hearing held in accordance
12 with the provisions of the Administrative Procedure Act
13 (Government Code Sections 11400 et seq.), and that I also waive
14 other rights afforded to me in connection with the hearing such
15 as the right to discovery, the right to present evidence in
16 defense of the allegations in the Accusation and the right to
17 cross-examine witnesses.

18 3. I further agree that upon acceptance by the
19 Commissioner, as evidenced by an appropriate order, all
20 affidavits and all relevant evidence obtained by the Department
21 in this matter prior to the Commissioner's acceptance, and all
22 allegations contained in the Accusation filed in the Department
23 Case No. H-36333 LA, may be considered by the Department to be
24 true and correct for the purpose of deciding whether to grant
25 relicensure or reinstatement pursuant to Government Code
26 Section 11522.

27

1 4. I freely and voluntarily surrender all my licenses
2 and license rights under the Real Estate Law.

3 I declare under penalty of perjury under the laws of
4 the State of California that the above is true and correct and
5 that this declaration was executed on October 12, 2010,
6 at Anaheim, California.

7
8 
MARCO ANTONIO MUNOZ

1 LISSETE GARCIA, Counsel (SBN 211552)
2 Department of Real Estate
3 320 West 4th Street, Suite 350
4 Los Angeles, California 90013-1105

5 Telephone: (213) 576-6982
6 (Direct) (213) 576-6914

FILED
OCT 29 2009
DEPARTMENT OF REAL ESTATE

By C. M.

7
8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) NO. H-36333 LA
12)
13 CESAR A. VALDIVIA and) A C C U S A T I O N
14 MARCO ANTONIO MUNOZ,)
15 Respondents.)

16 The Complainant, Robin Trujillo, a Deputy Real Estate
17 Commissioner of the State of California, for cause of Accusation
18 against CESAR A. VALDIVIA and MARCO ANTONIO MUNOZ is informed
19 and alleges as follows:

20 1.

21 The Complainant, Robin Trujillo, a Deputy Real Estate
22 Commissioner of the State of California, makes this Accusation
23 in her official capacity.

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1 4 of the Code) as a real estate salesperson. Respondent MUNOZ
2 was first licensed as a real estate salesperson on November 12,
3 2005. Respondent MUNOZ' license is scheduled to expire on
4 November 11, 2009. Respondent MUNOZ has renewal rights under
5 Code Section 10201. The Department retains jurisdiction
6 pursuant Code Section 10103.

7 5.

8 During the time of Respondent MUNOZ' licensure as a
9 real estate salesperson, he has performed activities requiring
10 that he be employed by a real estate broker and that he be
11 acting under the supervision and control of the real estate
12 broker to whom he is licensed. From March 6, 2006 to June 19,
13 2008, California Home Center Group, Inc. was listed as the
14 employing broker for Respondent MUNOZ. The Diaz Group, Inc. was
15 listed as Respondent MUNOZ' employing broker from June 20, 2008
16 to June 29, 2009. One of the branch office addresses for The
17 Diaz Group, Inc. is 1701 E. Lincoln Avenue, California 92805.
18 MUNOZ' acts set forth below were carried out without the
19 supervision of his listed employing broker.

20 Unlicensed Entities

21 6.

22 Cavaldi Management, Inc. ("CMI") is not now, and has
23 never been, licensed by the Department in any capacity. CMI is
24 a corporation incorporated under the laws of the State of
25 Delaware. Respondent VALDIVIA is the Director and President of
26 CMI.

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28 ///

1 7.

2 American National Group ("ANG") is not now, and has
3 never been, licensed by the Department in any capacity. ANG is
4 a fictitious business name registered to CMI in Orange County,
5 California.

6 Unlicensed Activity

7 8.

8 During the period of time set out below, ANG solicited
9 borrowers and negotiated to do one or more of the following acts
10 for another or others, for or in expectation of compensation:
11 negotiate the purchase, sale or exchange of real property;
12 negotiate one or more loans for, or perform services for,
13 borrowers and/or lenders in connection with loans secured
14 directly or collaterally by one or more liens on real property;
15 and charge, demand or collect an advance fee for any of the
16 services offered.

17 9.

18 For an unknown period of time, beginning no later than
19 April 2008, and continuing through May 18, 2009, Respondent
20 VALDIVIA advertised short sale and loan modification services
21 under one or more business names including, but not limited to,
22 "ANG" in various print and electronic media, including a website
23 located at <http://www.anghelp.com>. Those advertisements
24 solicited borrowers offering short sale and loan modification
25 services and listed ANG's contact information as 1701 E. Lincoln
26 Avenue, Anaheim, California 92806, (714) 517-0425.

27 ///

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1 Gabriel Leon-Garcia transaction

2 10.

3 On or about May 6, 2008, ANG solicited Gabriel Leon-
4 Garcia in order to provide loan modification services for
5 Gabriel Leon-Garcia's home.

6 11.

7 The office address for ANG known by Gabriel Leon-
8 Garcia was 1020 S. Anaheim Blvd., Suite 311, Anaheim, California
9 92705, (714) 517-0425.

10 12.

11 In furtherance of ANG's plan and scheme to provide
12 loan modification services to Gabriel Leon-Garcia, Oscar Cortes,
13 an unlicensed individual, requested an advance fee of \$3,500
14 from Gabriel Leon-Garcia. On or about May 9, 2008, Gabriel
15 Leon-Garcia delivered a check to ANG for \$1,700 in reliance on
16 the representations made by ANG's representatives, Respondent
17 MUNOZ, and unlicensed individuals, Oscar Cortes and Eddie
18 Faycon.

19 13.

20 Upon Gabriel Leon-Garcia's delivery of the afore-
21 mentioned check for \$1,700, he was told a loan modification
22 would be completed in six to eight weeks which would lower his
23 interest rate and the monthly payment of his mortgage.

24 14.

25 Over the course of several weeks, Gabriel Leon-Garcia
26 made repeated telephone calls to ANG requesting an update on the
27 status of his loan modification. He was repeatedly told by
28 ANG's representatives that his loan modification was being

1 processed and that someone would be in touch with him shortly.
2 Thereafter, Mr. Leon-Garcia directly contacted his mortgage
3 lender to inquire about his loan modification. Mr. Leon-
4 Garcia's mortgage lender informed him that the only
5 communication they had received from ANG had been the receipt of
6 an authorization for the lender to speak with ANG on Mr. Leon-
7 Garcia's behalf. Since receipt of that authorization, the
8 lender had not been contacted by anyone from ANG regarding
9 modification of Mr. Leon-Garcia's loan. Based on that
10 information, Mr. Leon-Garcia then cancelled a second check for
11 \$1,800, which he had delivered to ANG due to ANG's
12 misrepresentations and failure to perform the loan modification
13 services that had been promised.

14 15.

15 Based on the conduct, acts, and/or omissions as set
16 forth in Paragraphs 8 through 14 above, Respondent VALDIVIA,
17 acting by himself, or by and/or through one or more agents,
18 representatives, associates, and/or co-conspirators, including,
19 but not limited to, Respondent MUNOZ, and unlicensed
20 individuals, Oscar Cortes and Eddie Faycon, while using the
21 names "Cavaldi Management, Inc.," "ANG," or other names or
22 fictitious names unknown at this time, solicited borrowers and
23 performed services for those borrowers and/or those borrowers'
24 lenders in connection with loans secured directly or
25 collaterally by one or more liens on real property, and charged,
26 demanded or collected advance fees for the services to be
27 provided, which acts require a real estate broker license under
28 Sections 10131(d) and 10131.2 of the Code, during a period of

1 time when Respondents VALDIVIA and MUNOZ were not licensed by
2 the Department as real estate brokers, in violation of Section
3 10130 of the Code.

4 16.

5 In relation to the Gabriel Leon-Garcia transaction set
6 forth in Paragraphs 10 through 14 above, Respondent VALDIVIA,
7 while using the fictitious business name "ANG," utilized
8 employees and/or representatives in soliciting and negotiating
9 loans who were not licensed by the Department as real estate
10 brokers or salespersons. Among the unlicensed representatives
11 performing activities requiring a real estate license were Oscar
12 Cortes and Eddie Faycon.

13 17.

14 The conduct, acts and/or omissions of Respondent
15 VALDIVIA, as set forth in Paragraphs 8 through 15 above, in
16 employing or compensating representatives for performing
17 activities requiring a real estate license constitutes grounds
18 to discipline the licenses and/or license rights of Respondent
19 VALDIVIA pursuant to Code Sections 10177(g) and 10177(j).

20 18.

21 The conduct, acts and/or omissions of Respondents
22 VALDIVIA and MUNOZ, as set forth in Paragraphs 3, 5, and 8
23 through 15 above, in being employed or accepting compensation
24 for performing any acts requiring a real estate license from any
25 person other than the broker under whom they were licensed at
26 the time, constitutes grounds to discipline the licenses and/or
27 license rights of Respondents VALDIVIA and MUNOZ pursuant to
28 Code Section 10137.

The conduct, acts and/or omissions of Respondents VALDIVIA and MUNOZ, as set forth in Paragraphs 8 through 15 above, are in violation of Code Section 10130, within the meaning of Code Sections 10131(d) and 10131.2, and constitutes grounds to discipline the licenses and license rights of Respondents VALDIVIA and MUNOZ pursuant to 10177(d), 10177(j), and/or 10177(g).

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/or license rights of Respondents CESAR A. VALDIVIA and MARCO ANTONIO MUNOZ under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code) and for such other and further relief as may be proper under other applicable provisions of law.

Dated at Los Angeles, California

this 27 day of October, 2009.


ROBIN TRUJILLO
Deputy Real Estate Commissioner

cc: Cesar A. Valdivia
Marco Antonio Munoz
California Home Center Group, Inc.
Citizens Direct
Robin Trujillo
Phillip Ihde
Sacto.