

JUL 13 2012

DEPARTMENT OF REAL ESTATE  
BY: C. J.

## STATE OF CALIFORNIA

In the Matter of the Accusation of )  
 )  
ROSARIO MARIA HERNANDEZ and ) NO. H-37966 LA  
CARLOS ANGEL GALVAN, )  
 )  
 Respondent. )  
 )

This Decision is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on April 24, 2012, and the findings of fact set forth herein are based on one or more of the following: (1) Respondents' express admissions; (2) affidavits; and (3) other evidence.

1.

On March 9, 2012, Maria Suarez made the Accusation in her official capacity as a Deputy Real Estate Commissioner of the State of California. The Accusation, Statement to Respondent, and Notice of Defense were mailed by certified mail, return receipt requested, to Respondent ROSARIO MARIA HERNANDEZ ("HERNANDEZ") on March 13, 2012, at her address of record. The certified mailing was returned by the post office marked, "Return to Sender Attempted Not Known Unable to Forward."

On April 24, 2012, no Notice of Defense having been filed herein within the time prescribed by Section 11506 of the Government Code, Respondent's default was entered herein.

2.

From August 25, 2000, through the present, Respondent HERNANDEZ has been licensed by the Department of Real Estate ("Department") as a real estate salesperson, Department License No. 01281317. Respondent HERNANDEZ has been licensed under the employment of Respondent GALVAN from March 24, 2009, through the present.

3.

H&R Mortgage Group, Inc. ("H&R") and Luis H. Martinez have never been licensed in any capacity by the Department.

4.

H&R is a California corporation whose corporate rights were suspended by the Franchise Tax Board on or about January 3, 2011. Luis H. Martinez is the owner and president of H&R. Respondent HERNANDEZ is the Vice-President of H&R.

#### Advance Fee Violations

5.

From on or about March 20, 2009, through June 1, 2009, Respondent, while doing business as H&R, charged and collected advance fees for loan modification and negotiation services from borrowers Salvador H., Rosa P., Manuel M., and Rosa M. Manuel and Rosa M. paid \$2,500 to H&R for loan modification and negotiation services. Salvador H. and Rosa P. paid \$2,000 to H&R and Respondent HERNANDEZ for loan modification and negotiation services.

6.

Respondent HERNANDEZ failed to comply with the advance fee requirements under Regulation Section 2970 and Code Section 10085.

DETERMINATION OF ISSUES

1.

As set forth above, Respondent HERNANDEZ used the unlicensed fictitious business name, H&R Mortgage Group, Inc., to engage in activities that require a real estate broker license. The facts alleged above constitute a violation of Code Sections 10130 (unlicensed activity) and 10159.5 (unlicensed use of a fictitious business name) and Regulation 2731 (use of false or fictitious name) and are grounds for the suspension or revocation of Respondent HERNANDEZ' real estate license and license rights pursuant to Code Sections 10139 (penalties for unlicensed person) and 10177(d) (violation of the Real Estate Law).

2.

As set forth above, Respondent HERNANDEZ violated Regulation Section 2970 and Code Section 10085 which constitute grounds for the suspension or revocation of Respondent's real estate license and license rights pursuant to Code Section 10177(d).

3.

The standard of proof applied was clear and convincing proof to a reasonable certainty.

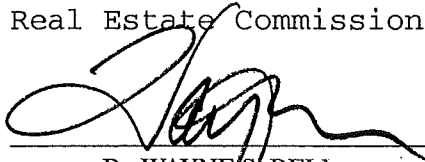
ORDER

The license and license rights of Respondent ROSARIO MARIA HERNANDEZ under the provisions of Part I of Division 4 of the Business and Professions Code are revoked.

This Decision shall become effective at 12 o'clock noon on August 2, 2012.

DATED: 7/2, 2012.

Real Estate Commissioner

  
By WAYNE S. BELL  
Chief Counsel

1 Department of Real Estate  
2 320 West Fourth Street, Suite 350  
3 Los Angeles, California 90013-1105

**FILED**

APR 24 2012

DEPARTMENT OF REAL ESTATE  
BY: C2

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \* \*

11 In the Matter of the Accusation of )  
12 ) NO. H-37966 LA  
13 ROSARIO MARIA HERNANDEZ and )  
14 CARLOS ANGEL GALVAN, ) DEFAULT ORDER  
15 Respondents. )

16 Respondent, ROSARIO MARIA HERNANDEZ, having failed to  
17 file a Notice of Defense within the time required by Section  
18 11506 of the Government Code, is now in default. It is,  
19 therefore, ordered that a default be entered on the record in  
20 this matter as to ROSARIO MARIA HERNANDEZ.

21 IT IS SO ORDERED

April 24, 2012

22 Real Estate Commissioner

23 Dolores Weeks  
24 By: DOLORES WEEKS  
25 Regional Manager  
26  
27