

FILED

APR 17 2013

DEPARTMENT OF REAL ESTATE
BY: _____

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of)	
)	No. H-38577 LA
OMAR SANDOVAL,)	
)	
Respondent.)	
_____)	

DEFAULT DECISION

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 March 20, 2013, and the findings of fact set forth herein are based on one or more of the following: (1) Respondent's express admissions; (2) affidavits; and (3) other evidence.

FINDINGS OF FACT

1. On or about November 21, 2012, Veronica Kilpatrick made the Accusation in her official capacity as a Deputy Real Estate Commissioner of the State of California.

a) On November 30, 3012, the Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified mail, return receipt requested, to Respondent OMAR SANDOVAL ("Respondent") at his last known mailing addresses on file with the Department of Real Estate ("Department") at 7412 Lawrence Place, Fontana, CA 92336. The Department received the green receipt indicating that the mailing was signed for on December 3, 2012.

b) No Notice of Defense has been received from Respondent. Respondent's Default was entered on March 20, 2013.

2. Respondent OMAR SANDOVAL is licensed by Department as a real estate salesperson. Respondent was originally licensed by the Department on October 18, 2007. Respondent has never been licensed by the Department as a real estate broker.

3. Respondent is, and at all times relevant herein was, licensed to conduct real estate activities as a salesperson under the employment of Colonial Realty Group Inc. as his supervising broker of record.

4. Beginning on or before December 1, 2009, and continuing through on or about October 13, 2011, Respondent engaged in the business of, acted in the capacity of, advertised or assumed to act as a real estate broker in the State of California within the meaning of Business and Professions Code ("Code") Sections 10131(d) and 10131.2. His activities included soliciting borrowers or lenders for and/or negotiating loans, collecting payments and/or performing services for borrowers or lenders in connection with loans secured by liens on real property. His activities also included claiming, demanding, charging, receiving, collecting or contracting for the collection of advance fees within the meaning of Code Sections 10026 and 10085.

Hector and Deifilia A.

5. On or about October 30, 2010, Respondent entered into a loan modification agreement with homeowners Hector and Deifilia A. ("Homeowners"). Respondent promised to assist the Homeowners in negotiating with their lender to try to obtain a modification of the terms of their home loan in exchange for upfront payment of a fee of \$3,500.00.

6. The Homeowners paid Respondent \$3,500.00 in three payments between October 30, 2010 and January 3, 2011. At the time, the Homeowners were current on their mortgage payments to their lender. Respondent advised them to stop making payments, and promised to negotiate further with the lender. However, Respondent did not in fact assist the Homeowners in obtaining a loan modification, and stopped communicating with them. Eventually, Respondent moved out of the location and address the Homeowners had for him, so they were not able to contact him at all. Respondent did not provide any services and did not return any portion of the Homeowners' fees to them.

7. At the time that Respondent solicited and collected advance fees from Hector and Deifilia A., he was not acting with the knowledge, authority or supervision of Colonial Realty Inc. or its designated broker-officer Kenneth Moore McFarland. Respondent's supervising broker was not aware of the loan modification transactions he was engaging in. Respondent was paid directly by Hector and Deifilia A.

8. At the time that Respondent solicited and collected advance fees from Hector and Deifilia A., it was unlawful under California law for anyone to collect advance fees for loan modification services.

Jose G.

9. On or about December 8, 2009, Respondent, using the business name Coast 2 Coast Financial LLC, entered into a loan modification agreement with Jose G. Pursuant to the agreement, Respondent agreed to provide loan modification services to Jose G. in exchange for payment of an upfront advance fee of \$4,500.00.

10. On or about December 8, 2009, Respondent collected an advance fee of \$4,500.00 from Jose G. for loan modification services.

11. Respondent never provided Jose G. with loan modification services.

12. At the time that Respondent solicited and collected advance fees from Jose G., he was not acting with the knowledge, authority or supervision of his supervising broker Colonial Realty Inc. or its designated broker-officer Kenneth Moore McFarland. Respondent's supervising broker was not aware of the loan modification transactions he was engaging in. Respondent was paid directly by Jose G.

13. At the time that Respondent solicited and collected advance fees from Jose G., it was unlawful under California law for anyone to collect advance fees for loan modification services.

LEGAL CONCLUSIONS

1. Respondent's conduct in soliciting and collecting advance fees for loan modification services, and conducting activities requiring a real estate broker license when he was not licensed as a broker and was acting without the knowledge, authority or supervision of his employing broker of record, constitutes grounds to revoke or suspend Respondent's real estate license and license rights pursuant to Code Sections 10130, 10177(d), and 10177(j).

2. Respondent's conduct in soliciting and collecting advance fees for loan modification services after October 30, 2009, constitutes grounds to revoke or suspend Respondent's real estate license and license rights pursuant to Code Sections 10085 and 10085.5.

3. Respondent's conduct in accepting compensation for activities requiring a real estate broker license from someone other than his employing broker of record and without his employing broker's knowledge, authority or supervision, constitutes grounds to revoke or suspend Respondent's real estate license and license rights pursuant to Code Sections 10137, 10177(d), and 10177(j).

4. Respondent's conduct in representing to homeowners that he would perform loan modification services for them, accepting compensation from them in advance, and failing to perform any services or refund the homeowners' money constitutes dishonest dealing and is grounds to revoke or suspend Respondent's real estate license and license rights pursuant to Code Section 10177(j).


ORDER

All licenses and license rights of Respondent OMAR SANDOVAL 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 May 7, 2013.

DATED: April 15, 2013

REAL ESTATE COMMISSIONER

A handwritten signature in black ink, appearing to be "Jeffrey Mason", is written over a horizontal line. The signature is stylized and somewhat cursive.

By: JEFFREY MASON
Chief Deputy Commissioner

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

FILED

MAR 20 2013

DEPARTMENT OF REAL ESTATE
BY: Ca

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8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

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11 In the Matter of the Accusation of)
12 OMAR SANDOVAL,) NO. H-38577 LA
13 Respondent.) DEFAULT ORDER
14)

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

19 IT IS SO ORDERED

March 20, 2013

20
21 Real Estate Commissioner

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