DEPARTMENT OF REAL ESTATE
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FILED

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DEPARTMENT OF REAL ESTATE

By B. Contreras

STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

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To: SAN JOAQUIN REAL ESTATE & FINANCIAL SERVICES, INC., and IRMA MACHADO.	NO. H-2494 FR ORDER TO DESIST AND REFRAIN (B&P Code Section 10086)

The Commissioner (Commissioner) of the California Department of Real Estate (Department) has caused an investigation to be made of the activities of SAN JOAQUIN REAL ESTATE & FINANCIAL SERVICES, INC. (SJRE) and IRMA MACHADO (MACHADO). Based on that investigation, the Commissioner has determined that SJRE and MACHADO have engaged in, are engaging in, or are attempting to engage in, acts or practices constituting violations of the California Business and Professions Code (Code) and/or Title 10, Chapter 6, of the California Code of Regulations (Regulations), including the business of, acting in the capacity of, and/or advertising or assuming to act as, real estate brokers in the State of California within the meaning of Sections 10131.2 (broker claiming/collecting receiving advanced), 10085 (advanced fee agreements/materials) and 10085.5 (claiming/collecting/receiving advanced fees) of the Code. Furthermore, based on the investigation, the Commissioner hereby issues the following Findings of Fact, Conclusions of Law, and Desist and Refrain Order under the authority of Section 10086 of the Code.

Whenever acts referred to below are attributed to SJRE and MACHADO, those acts are alleged to have been done by SJRE and MACHADO, acting by themselves, or by and/or through one or more agents, associates, affiliates, and/or co-conspirators.

FINDINGS OF FACT

1. SJRE is not now, and has never been, licensed by the Department in any capacity.
2. MACHADO has been licensed by the Department as a real estate salesperson since July 22, 2004; her license expires on July 21, 2012.
3. Between about November 21, 2008 and November 2, 2009, SJRE acting in concert with MACHADO solicited the following homeowners, collected advance fees, and negotiated to do one or more of the following acts for another or others, for or in expectation of compensation: negotiate one or more loans for, or perform services for borrowers and/or lenders in connection with loans secured directly or collaterally by one or more liens on real property.

Date	Homeowner	Amount	Property
11/21/08	Jose A. T.	$3,345	7343 Houston Ave., Hanford, CA
2/18/09	Marisa A.	$3,495	2227 E. Norwich Ave., Fresno, CA
3/31/09	Jose P.	$3,150	2671 Peanut Dr., Madera, CA
7/23/09	Adolfo V.	$3,500	2551 W. Soults Dr., Tulare, CA
11/2/09	Enrique R.	$7,000	5269 S. Chestnut, Fresno, CA and 4918 E. Burns Ave., Fresno, CA

CONCLUSIONS OF LAW

4. Based on the Findings of Fact contained in Paragraphs 1 through 3, SJRE and MACHADO, acting by themselves, or by and/or through one or more agents, associates, affiliates, and/or co-conspirators, solicited homeowners, entered into loan modification agreements prior to a review by the Commissioner of said advanced fee agreements, and collected advanced fees from those homeowners in connection with loans secured directly or collaterally by one or more liens on real property.

DESIST AND REFRAIN ORDER

Based on the Findings of Fact and Conclusions of Law stated herein, SAN JOAQUIN REAL ESTATE & FINANCIAL SERVICES, INC., and IRMA MACHADO, whether doing business under their own names, or any other names or fictitious names, are hereby ordered immediately to desist and refrain from performing any acts within the State of California for which a real estate broker license is required until and unless broker licenses are obtained and in particular, ARE HEREBY ORDERED IMMEDIATELY TO DESIST AND REFRAIN from:

1. charging, demanding, claiming, collecting and/or receiving advance fees, as that term is defined in Section 10026 of the Code, in any form, and under any conditions, with respect to the performance of loan modifications or any other form of mortgage loan forbearance service in connection with loans on residential property containing four or fewer dwelling units (Code Section 10085.6); and,
2. charging, demanding, claiming, collecting and/or receiving advance fees, as that term is defined in Section 10026 of the Code, for any real estate related services, or any other service offered by them to others.

DATED: 6/1, 2010

JEFF DAVI
Real Estate Commissioner

BY: Barbara J. Bigby
Chief Deputy Commissioner

-NOTICE-

Business and Professions Code Section 10139 provides that "Any person acting as a real estate broker or real estate salesperson without a license or who advertises using words indicating that he or she is a real estate broker without being so licensed shall be guilty of a

public offense punishable by a fine not exceeding twenty thousand dollars ($20,000), or by imprisonment in the county jail for a term not to exceed six months, or by both fine and imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars ($60,000)."

cc: SAN JOAQUIN REAL ESTATE
& FINANCIAL SERVICES, INC.
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TTY MFC/kc