FILED

SEP 24 2012

DEPARTMENT OF REAL ESTATE

By B. Contreras

BEFORE THE

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of	)	
	)	
CONTINENTAL SOLUTIONS CORPORATION, a Corporation, and, CESAR MARTINEZ,	)	NO. H-2656 FR
	)	OAH NO. 2011110566
	)	
Respondents.	)	
	)	

DECISION

The Proposed Decision dated July 9, 2012, of the Administrative Law Judge of the Office of Administrative Hearings is hereby adopted as the Decision of the Real Estate Commissioner in the above-entitled matter.

This Decision shall become effective at 12 o'clock noon on October 15, 2012.

IT IS SO ORDERED September 20, 2012.

Real Estate Commissioner

By WAYNE S. BELL
Chief Counsel

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
AUG 28 2012
DEPARTMENT OF REAL ESTATE
By D. Contreras

In the Matter of the Second Amended Accusation Against: CONTINENTAL SOLUTIONS CORPORATION, a Corporation; and CESAR MARTINEZ, Respondents.	Case No. H-2656 FR OAH No. 2011110566

PROPOSED DECISION

Administrative Law Judge Coren D. Wong, Office of Administrative Hearings, State of California, heard this matter on June 20 and 21, 2012, in Fresno, California.

Mary F. Clarke, Real Estate Counsel, represented complainant Luke Martin, Deputy Real Estate Commissioner of the State of California.

Respondent Cesar Martinez represented himself and Continental Solutions Corporation.

Evidence was received, the record was closed, and the matter was submitted for decision on June 21, 2012.

SUMMARY

Complainant seeks to discipline respondent Martinez and Continental Solutions Corporation's respective real estate broker licenses based on numerous violations of the Real Estate Law and regulations adopted pursuant to it. Cause exists for discipline. Respondent Martinez failed to establish that he can perform the duties of a real estate broker in a manner that is consistent with public safety, health, and welfare, either in his individual capacity or as the designated officer for the corporation. Therefore, the appropriate discipline is the outright revocation of his and Continental Solutions Corporation's respective real estate broker licenses.

FACTUAL FINDINGS

1. On February 23, 2007, the Department of Real Estate (Department) issued Real Estate Broker License No. B01749424 to respondent Cesar Martinez in his individual capacity. A Mortgage Loan Originator Endorsement to the license was approved as of September 3, 2011. There is no history of prior discipline of the license. The license expires on February 22, 2015, unless renewed or revoked.

2. On March 24, 2007, the Department issued Real Estate Broker License No. C01801879 to respondent Continental Solutions Corporation. Mr. Martinez has been the designated officer on the license since January 1, 2008, and is licensed to engage in real estate activities on behalf of the corporation in that capacity. A Mortgage Loan Originator Endorsement to the license was approved as of September 3, 2011. The Department has never issued any type of license to the corporation under the fictitious name "Blue Pacific Financial Services, Inc." There is no history of prior discipline of the license. The license expires on March 23, 2015, unless renewed or revoked.

3. On February 16, 2012, complainant, acting solely in his official capacity as a Deputy Real Estate Commissioner of the State of California, filed a First Amended Accusation seeking to discipline respondents' respective broker licenses based on various violations of the Real Estate Law and regulations adopted pursuant to it.

4. At the hearing, complainant moved to amend the First Amended Accusation by substituting the name "Garcia" for the name "Andrade" in Paragraphs 10 and 11 of that accusation. The motion was granted, without objection.

I. *Continental Solutions Corporation Contracted to Provide Loan Modification Services to Santos Galvan*

5. On February 12, 2009, Santos Galvan and his wife met with Julio Garcia to discuss the possibility of modifying the two loans secured by the Galvans' home. Mr. Garcia, who told the Galvans that he was the office manager for Continental Solutions Corporation and provided them with a business card that stated as much, demanded a $1,500 advance fee in order to initiate the loan modification process. In exchange for the advance fee, Mr. Garcia promised to obtain an affordable modification of both loans so the Galvans' home would not be foreclosed on. In reliance on Mr. Garcia's promise, Mr. Galvan signed an advance fee agreement and wrote a check in the amount of $1,000 to "Blue Pacific Financial Serv," the company Mr. Garcia said to make the check payable to, on February 12, 2009. Eight days later, Mr. Galvan wrote a second check to the same company in the amount of $500. On September 28, 2009, Mr. Galvan was informed by his lender that his property was scheduled to be sold at public auction. When Mr. Galvan asked about the loan modifications Mr. Garcia was supposed to have obtained, the lender explained that only the smaller of the two loans had been modified.

6. Mr. Galvan filed a complaint against Continental Solutions Corporation with the Department on October 7, 2009.

A. *Investigation by Rene Esquivel*

7. Mr. Galvan's complaint was assigned to Deputy Commissioner Rene Esquivel for investigation. Deputy Commissioner Esquivel made a telephone "shopping call" to Continental Solutions Corporation on October 21, 2009. A "shopping call" is an investigative technique whereby an investigator calls the target of the investigation and poses as a consumer looking for real estate services in an effort to determine if the target is violating the Real Estate Law and/or regulations adopted pursuant to it. The person who answered the telephone identified himself as "Julio Garcia." Deputy Commissioner Esquivel gave Mr. Garcia a false name, stated he was looking to modify the loan secured by his home, and asked Mr. Garcia if he could help. Mr. Garcia stated that he could and demanded payment of an advance fee of $2,500 in order to start the modification process. Deputy Commissioner Esquivel agreed to gather the financial documents Mr. Garcia requested and obtain the funds necessary to pay the advance fee. Deputy Commissioner Esquivel checked the Department's records and learned that Mr. Garcia has never been licensed by the Department in any capacity.

8. On January 21, 2010, Deputy Commissioner Esquivel conducted a "field visit" to Continental Solutions Corporation's Visalia office. A "field visit" is another investigative technique whereby an investigator, in his official capacity, visits the target at his place of business to determine his compliance with the Real Estate Law and regulations adopted pursuant to it. Deputy Commissioner Esquivel was met by Mr. Garcia, who identified himself as the office manager and provided a business card that stated the same. Mr. Garcia identified Mr. Martinez as his (Mr. Garcia's) employer. Mr. Garcia stated that Mr. Martinez had assured him (Mr. Garcia) that Blue Pacific Financial Services, Inc., was a fictitious business name registered to Continental Solutions Corporation. Mr. Garcia explained that his office had handled more than 100 loan modifications within the last year. He collected an advance fee of $3,000 from each homeowner and set up the loan modification file. He then forwarded the advance fees and files to respondent Martinez, who paid Mr. Garcia $1,000 for each file forwarded.

9. Deputy Commissioner Esquivel discussed Mr. Galvan's complaint with Mr. Garcia. Mr. Garcia admitted collecting a $1,500 advance fee from Mr. Galvan and promising to obtain an affordable modification of both loans secured by Mr. Galvan's home. However, Mr. Garcia explained that he was able to obtain an affordable modification of only the smaller loan.

10. Deputy Commissioner Esquivel met with respondent Martinez on June 1, 2010. Deputy Commissioner Esquivel asked if respondent Martinez was the owner of Blue Pacific Financial Services, and respondent Martinez stated he was. Respondent Martinez explained he registered the corporation with the California Secretary of State on January 19, 2009.

11. When asked to describe the type of services Blue Pacific Financial Services, Inc., provided for its customers, respondent Martinez explained it provided basic loan modification services to the general public. He explained that he operated to two separate offices – one in Visalia, and another in Salinas. He also explained that his loan modification services were geared towards distressed homeowners on the verge of losing their homes to foreclosure.

12. Respondent Martinez was asked to describe Blue Pacific Financial Services, Inc's loan modification process and loan modification fees. He said he had four full-time "telemarketers" who targeted distressed homeowners within the greater areas of Visalia and Salinas. He conceded that none of his telemarketers were licensed by the Department, nor were either of his two office managers – Julio Garcia (Visalia) or Oscar Esquivias (Salinas). Mr. Martinez then explained that the prospective client scheduled an appointment with one of the office managers, whose job it was to assess whether the client was a good candidate for a loan modification. Once the client was approved by an officer manager, the client was charged a loan modification fee of between $1,500 and $3,500, depending on whether the client had one or two loans to be modified. The client's file and advance fee were sent to respondent Martinez at the main office in Bellflower, where he reviewed and "worked" all the files. He deposited all advance fees into Continental Solution Corporation's checking account at Bank of America.

13. When asked about Mr. Galvan's complaint, respondent Martinez explained that he earned the $1,500 Mr. Galvan paid to Julio Garcia, whom respondent Martinez identified as the officer manager for Continental Solutions Corporation's Visalia branch. Respondent Martinez further explained that Mr. Galvan was provided an affordable loan modification, and he (respondent Martinez) had documents to prove it. While respondent Martinez provided a copy of his loan modification file for Mr. Galvan to Deputy Commissioner Esquivel, the file did not include any documents that supported respondent Martinez's assertion that he obtained an affordable loan modification for Mr. Galvan.

14. Deputy Commissioner Esquivel contacted the City of Visalia and the City of Salinas and requested copies of any business license applications submitted by respondent Martinez, as well as any business licenses issued to Blue Pacific Financial Services, Inc. The City of Salinas provided documents that showed that a business license was issued to Blue Pacific Financial Services, Inc., on October 8, 2009. The documents identified respondent Martinez as the owner of Blue Pacific Financial Services, Inc. The City of Visalia produced documents that showed that a business license was issued to Blue Pacific Financial Services, Inc. Continental Solutions Corporation was identified as the owner of Blue Pacific Financial Services, Inc.

15. On February 4, 2011, Deputy Commissioner Esquivel requested, and received, an affidavit from the Department's custodian of records attesting to the fact that neither respondent Martinez nor anyone acting on behalf of Continental Solutions Corporation submitted to the Department for preapproval any advance fee agreements, contract forms,

letters, cards, or radio or television advertisements that Continental Solutions Corporation used to solicit advance fee agreements. At hearing, respondent Martinez admitted he never received the Department's approval of any of his advertising material.

B. *Investigation by Howard Alston*

16. On August 18, 2010, Howard Alston, a Senior Deputy Commissioner with the Department, interviewed Juan David Martinez for the purpose of determining the nature of the loan modification services Blue Pacific Financial Services, Inc., was providing and the business relationship between that corporation and Continental Solutions Corporation. Mr. Martinez identified himself as the general manager of Blue Pacific Financial Services, Inc., and the person primarily responsible for the overall operation of the office and customer service. He conceded that neither he nor the corporation is licensed by the Department in any capacity. He explained that the corporation used to conduct business under the name "Continental Solutions Corporation." He described Blue Pacific Financial Services, Inc., as a "processing company" and said it stopped performing loan modifications after the passage of SB 94.

17. Senior Deputy Commissioner Alston interviewed respondent Martinez on October 14, 2010, regarding a complaint Marcaro Gonzalez had lodged with the Ventura County District Attorney's Office. Mr. Gonzalez complained that he had retained Blue Pacific Financial Services, Inc., to obtain a modification of the loan secured by his home. According to Mr. Gonzalez, he paid an advance fee in the amount of $7,000, but was never provided a loan modification. Respondent Martinez provided Senior Deputy Commissioner Alston with copies of Mr. Gonzalez's loan modification file.

II. *Continental Solutions Corporation dba Blue Pacific Financial Services, Inc., Contracted to Provide Loan Modification Services to Others*

18. Diana Brewster is a General Auditor III with the Department. She was asked to conduct an audit of Continental Solutions Corporation's accounting and other records related to its real estate activities during the period from January 1, 2009, through June 1, 2010. Shortly after receiving the assignment, Ms. Brewster sent a letter addressed to both respondent Martinez and Continental Solutions Corporation. In that letter, she asked them to "make available the following described books and records related to your real estate brokerage activities for the period stated above: bank statements for all trust fund and general accounts used in connection with your real estate brokerage activities; trust fund records of receipts and disbursements and separate records for each beneficiary; signatory cards; cancelled checks and deposit slips for said accounts; salesperson licenses; broker-salesperson relationship agreements; and sales transaction files and mortgage loan files."

19. On June 1, 2010, respondent Martinez met with Ms. Brewster in her office in Fresno and produced documents that established that Blue Pacific Financial Services, Inc., had contracted to provide loan modification services to the following people: Santos Galvan, Arturo and Maria Cervantes, Trinidad and Patty Delgadillo, Maria Garcia, Veronica Garcia,

Olivia Gonzalez, Maria Guzman, and Oscar Mendoza. The documents produced included copies of an official check dated January 26, 2009, in the amount of $1,500 ordered by Mrs. Cervantes and a personal check dated January 24, 2009, in the amount of $1,995 written by Mrs. Delgadillo. Both checks were made payable to "Blue Pacific Financial" and evidenced payment of an advance fee for loan modifications services prior to either the Cervantes or Delgadillos actually obtaining a loan modification. The Cervantes and Delgadillos had signed advance fee agreements with Blue Pacific Financial Services, Inc.

20. In addition to reviewing documents that were produced, Ms. Brewster discussed with respondent Martinez his and Continental Solutions Corporation's real estate activities. Respondent Martinez said he was the sole owner of Continental Solutions Corporation and also an owner of Blue Pacific Financial Services, Inc. He also said Blue Pacific Financial Services, Inc., provided loan modifications to the public and the files he produced contained examples of those modifications. Blue Financial Services, Inc., charged a loan modification fee of $1,500 to $3,500. According to respondent Martinez, Blue Pacific Financial Services, Inc., was able to process between 15 and 30 loan modification files per month and collected advanced fees from about 300 distressed homeowners. He admitted that Blue Pacific Financial Services, Inc., was not licensed by the Department in any capacity.

21. Respondent Martinez conceded that he did not keep a ledger showing the date each advance fee was received, from whom the funds were received, the amount received, and whether the funds were deposited into a bank account or an escrow account. He also conceded that he did not maintain a trust account on behalf of Continental Solutions Corporation or Blue Pacific Financial Services, Inc. Instead, he deposited all advance fees collected into Continental Solutions Corporation's checking account at Bank of America. He did not provide any accountings to clients who paid advance fees.

III. *Respondent's Evidence*

22. Respondent Martinez was the sole witness to testify on behalf of respondents. His testimony was devoid of any credibility. He repeatedly denied having any ownership interest in Blue Pacific Financial Services, Inc. at any time and maintained that his brother, Juan David Martinez, has always been the sole owner of the corporation. But Juan David Martinez did not testify at the hearing, despite having been present throughout the proceedings and having asked on multiple occasions whether he could testify.[1] (Evid. Code, § 412 [proffered evidence should be viewed with distrust when the proffering party has the ability to produce stronger evidence but fails to do so].)

Contrary to his hearing testimony, respondent Martinez admitted to Deputy Commissioner Esquivel and Ms. Brewster that he owned Blue Pacific Financial Services, Inc. While respondent Martinez denied having told either of them that, he failed to offer a credible explanation as to why either would lie about his admissions to them. Additionally,

[1] Each time, Juan David Martinez was told that he was not a party to this action and it was up to respondent Martinez to decide if his brother was going to testify.

he produced Blue Pacific Financial Services, Inc.'s loan modification files in response to Ms. Brewster's request that respondent Martinez and Continental Solutions Corporation produce records of their real estate activities, and despite testifying at the hearing that he had no control over Blue Pacific Financial Services, Inc.'s documents. Furthermore, respondent Martinez told Deputy Commissioner Esquivel that Blue Pacific Financial Services, Inc.'s records were kept at his (respondent Martinez's) home. Respondent Martinez's denial of any ownership interest in Blue Pacific Financial Services, Inc., is belied by the clear and convincing evidence to the contrary. The Secretary of State's records for Blue Pacific Financial Services, Inc., do not establish ownership of the company, but instead identify its corporate officers and directors as of July 6, 2010, a point in time after the period which is relevant to the Second Amended Accusation.

IV. *Evaluation of the Evidence*

A. *Continental Solutions Corporation contracted to provide loan modification services to Santos Galvan*

23. Julio Garcia, Continental Solutions Corporation's office manager, solicited Santos Galvan for loan modification services for the two loans secured by Mr. Galvan's home. Mr. Garcia demanded an advance fee for such services. Mr. Galvan signed an advance fee agreement and paid an advance fee in the amount of $1,000 on February 12, 2009. Eight days later, he paid another advance fee in the amount of $500. The Department never issued a "No Objection" letter approving the advance fee agreement Mr. Galvan signed. Mr. Garcia has never been licensed by the Department in any capacity.

24. The advance fees Mr. Galvan paid were never deposited into a trust fund account. Instead, respondent Martinez deposited the fees into Continental Solutions Corporation's checking account with Bank of America. Mr. Galvan was never provided an accounting of the advance fees he paid.

25. Mr. Garcia misrepresented his ability to obtain an affordable loan modification for both loans to Mr. Galvan. The truth of the matter is that Mr. Garcia was able to obtain a modification of only the smaller loan, and Mr. Galvan's lender scheduled his home for a foreclosure sale.

26. No admissible evidence was introduced that Mr. Garcia has ever been an officer, director, or person owning or controlling 10 percent or more of Continental Solutions Corporation's stock.

B. *Continental Solutions Corporation dba Blue Pacific Financial Services, Inc., contracted to provide loan modification services to others*

27. Julio Garcia was not licensed by the Department in any capacity when he solicited Deputy Commissioner Rene Esquivel for the purpose of providing him loan modification services. Mr. Garcia demanded an advance fee for providing such services.

However, no admissible evidence was introduced that Mr. Garcia has ever been an officer, director, or person owning or controlling 10 percent or more of Continental Solutions Corporation's stock.

28. Continental Solutions Corporation dba Blue Pacific Financial Services, Inc., used written materials that had not been approved by the Department to solicit Arturo and Maria Cervantes and Trinidad and Patty Delgadillo to provide loan modification services for loans secured by their respective homes. While respondent Martinez denied that he or Continental Services Corporation ever owned an interest in Blue Pacific Financial Services, Inc., the clear and convincing evidence established that he used Blue Pacific Financial Services, Inc., interchangeably as the alter ego of Continental Services Corporation and himself.

29. Continental Solutions Corporation dba Blue Pacific Financial Services, Inc., demanded an advance fee for its services from Mr. and Mrs. Cervantes and Mr. and Mrs. Delgadillo. Mrs. Cervantes paid $1,500 on January 26, 2009, and Mrs. Delgadillo paid $1,995 on January 24, 2009.

30. The advance fees that Mr. and Mrs. Cervantes and Mr. and Mrs. Delgadillo paid were never deposited into a trust fund account. Instead, respondent Martinez deposited the fees into Continental Solutions Corporation's checking account with Bank of America. Neither Mr. and Mrs. Cervantes nor Mr. and Mrs. Delgadillo were given an accounting of the fees they paid.

C. *Respondent Martinez's Failure to Supervise*

31. For the reasons discussed in Factual Findings 23 through 30, respondent Martinez failed to exercise reasonable supervision and control over the real estate activities conducted on behalf of Continental Solutions Corporation.

V. *Unproven Allegations*

32. No admissible evidence was introduced about the licensed status of the person who demanded and collected the advance fee from Mr. and Mrs. Cervantes and Mr. and Mrs. Delgadillo on behalf of Continental Solutions Corporation dba Blue Pacific Financial Services, Inc. Nor was any admissible evidence introduced that the person was an officer, director, or person owning or controlling 10 percent or more of Continental Solutions Corporation's stock.

33. No admissible evidence was introduced that Continental Solutions Corporation dba Blue Pacific Financial Services, Inc., used written materials that had not been approved by the Department to solicit Maria Garcia, Veronica Garcia, Olivia Gonzalez, Maria Guzman, or Oscar Mendoza to provide loan modification services for loans secured by their respective homes.

34. No admissible evidence was introduced that Continental Solutions Corporation dba Blue Pacific Financial Services, Inc., demanded an advance fee for its services from Maria Garcia, Veronica Garcia, Olivia Gonzalez, Maria Guzman, or Oscar Mendoza.

35. Juana Zavala did not testify at the hearing, and her complaint to the Department and the attached File Memo written by Deputy Commisioner Esquivel (Exhibit 14) were admitted solely as administrative hearsay. Without any direct evidence for Exhibit 14 to supplement or explain, it was not considered. (See, Govt. Code, § 11513, subd. (d).) Therefore, there is insufficient evidence to support a finding that Continental Solutions Corporation dba Blue Pacific Financial Services, Inc., acting through Osvaldo Martinez, an unlicensed individual, solicited Ms. Zavala in order to modify the loan secured by her primary residence. Furthermore, no evidence that Osvaldo Martinez was ever an officer, director, or person owning or controlling 10 percent or more of Continental Solutions Corporation's stock was introduced.

36. For the reasons discussed in Factual Finding 35, there is insufficient evidence to support a finding that Osvaldo Martinez represented to Juana Zavala that he would obtain an affordable loan modification and demanded and collected an advance fee of $1,000 from Ms. Zavala, but failed to provide a successful and/or sustainable loan modification. Furthermore, no evidence that Osvaldo Martinez was ever an officer, director, or person owning or controlling 10 percent or more of Continental Solutions Corporation's stock was introduced.

37. Simona Jimenez did not testify at the hearing, and her complaint to the Department and the attached File Memo written by Deputy Commisioner Esquivel (Exhibit 13) were admitted solely as administrative hearsay. Without any direct evidence for Exhibit 13 to supplement or explain, it was not considered. Therefore, there is insufficient evidence to support a finding that Continental Solutions Corporation dba Blue Pacific Financial Services, Inc., acting through Carlos Bula, aka Oscar Bulla, solicited Ms. Jimenez in order to modify the loan secured by her primary residence. Furthermore, no evidence that Oscar Bulla was ever an officer, director, or person owning or controlling 10 percent or more of Continental Solutions Corporation's stock was introduced.

38. For the reasons discussed in Factual Finding 37, there is insufficient evidence to support a finding that Carlos Bula, aka Oscar Bulla, represented to Simona Jimenez that he would obtain an affordable loan modification and demanded and collected an advance fee of $1,000 from Ms. Jimenez, but failed to provide a successful and/or sustainable loan modification. Furthermore, no evidence that Oscar Bulla was ever an officer, director, or person owning or controlling 10 percent or more of Continental Solutions Corporation's stock was introduced.

F. *Factors in Aggravation, Mitigation, and Rehabilitation*

39. Respondent Martinez was originally licensed by the Department as a real estate salesperson on May 6, 2005. His license was converted to a broker license on

February 27, 2007, and he has held that license ever since. Respondent Martinez has been the designated officer on Continental Solutions Corporation's broker license since January 1, 2008. There is no history of prior discipline of respondent Martinez in any licensed capacity.

40. Respondent Martinez made it abundantly clear through his testimony that he does not believe he did anything wrong by providing loan modifications services to clients and collecting advance fees for such services without first obtaining a "No Objection" letter from the Department. He also failed to acknowledge any wrongdoing for depositing the advance fees collected into a checking account instead of designated trust fund account and not providing an accounting to those who paid advance fees. His testimony denying statements he made to Department representatives and any ownership interest in Blue Pacific Financial Services, Inc., was belied by the clear and convincing evidence.

41. As discussed below, cause exists to discipline respondent Martinez and Continental Solutions Corporation's respective real estate broker licenses. Respondent Martinez's failure to take responsibility for any wrongdoing committed by himself and/or his corporation demonstrates his unfitness to perform the duties of a licensed real estate broker in a manner that is consistent with public health, safety, and welfare. (See, *Seide v. Committee of Bar Examiners of the State Bar of California* (1989) 49 Cal.3d 933, 940 ["Fully acknowledging the wrongfulness of his actions is an essential step towards rehabilitation."]) Furthermore his less than truthful testimony reflected negatively on his honestly. (See, *Harrington v. Department of Real Estate* (1989) 214 Cal.App.3d 394, 402 ["Honesty and truthfulness are two qualities deemed by the Legislature to bear on one's fitness and qualification to be a real estate licensee."]) Therefore, respondent Martinez's real estate broker license should be revoked. And since he is the sole owner of Continental Solutions Corporation and its designated officer, its real estate broker license should be revoked as well so that he cannot continue his dishonest conduct under the guise of a fictitious business name.[2]

LEGAL CONCLUSIONS

A. *Cause to Discipline Continental Solutions Corporation's Real Estate Broker License*

1. A corporation's real estate broker license may be disciplined if it has used advance fee agreements, contract forms, letters, cards, radio or television advertisements, or other written material to solicit advance fee agreements from prospective clients without first obtaining from the Department a "No Objection" letter approving the broker's use of such

[2] None of the authors of the character reference letters respondent Martinez introduced expressed any knowledge of his violations of the Real Estate Law and regulations adopted pursuant to it. Therefore, none of the letters were given any weight in assessing his character. (See, *Seide v. Committee of Bar Examiners of the State Bar of* California, supra, 49 Cal.2d at p. 940 ["If the character witnesses were not aware of the extent and seriousness of petitioner's criminal activities, their evaluations of his character carry less weight."])

material. (Bus. & Prof. Code, § 10085.) Continental Solutions Corporation had Santos Galvan, Arturo and Maria Cervantes, and Trinidad and Patty Delgadillo sign advance fee agreements without first obtaining a "No Objection" letter from the Department. (Factual Findings 23 and 29.) Therefore, cause exists to discipline Continental Solutions Corporation's real estate broker license pursuant to Business and Professions Code section 10085.

2. A corporation's real estate broker license may be disciplined if an officer, director, or person owning or controlling 10 percent or more of the corporation's stock has willfully disregarded or violated the Real Estate Law or any regulation adopted pursuant to it. (Bus. & Prof. Code, § 10177, subd. (d).) California Code of Regulations, title 10, section 2970, requires all written materials intended to be used in soliciting an advance fee to be submitted to the Department for approval at least 10 days before being used. For the reasons discussed in Legal Conclusion 1, Continental Solutions Corporation violated that regulation. However, no admissible evidence was introduced that any person who used the written materials on behalf of Continental Solutions Corporation was an officer, director, or person owning or controlling 10 percent or more of the corporation's stock. (Factual Findings 26 and 32.) Therefore, no cause exists to discipline Continental Solutions Corporation's real estate broker license pursuant to Business and Professions Code section 10177, subdivision (d), based on its alleged violations of California Code of Regulations, title 10, section 2970.

3. Only real estate brokers are allowed to claim, demand, charge, receive, collect, or contract for an advance fee for providing loan modification services. (Bus. & Prof. Code, § 10085.5, subd. (a).) Continental Solutions Corporation had a valid real estate broker license when its employees claimed, demanded, charged, received, collected, or contracted for an advance fee for providing loan modification services for Santos Galvan, Arturo and Maria Cervantes, and Trinidad and Patty Delgadillo. (Factual Findings 2, 23, and 29.) Furthermore, there was no evidence that any of those employees was an officer, director, or person owning or controlling 10 percent or more of Continental Solutions Corporation's stock at the time he or she engaged in such conduct. (Factual Findings 26 and 32.) Therefore, no cause exists to discipline Continental Solutions Corporation's real estate broker license pursuant to Business and Professions Code section 10177, subdivision (d), based on any of its alleged violations of Business and Professions Code section 10085.5, subdivision (a).

4. As of October 11, 2009, no broker may claim, demand, charge, collect, or receive any compensation for negotiating, attempting to negotiate, arranging, attempting to arrange, or otherwise offering to perform a mortgage loan modification or other form of mortgage loan forbearance prior to fully performing each and every service he has contracted to perform or said he would perform. (Bus. & Prof. Code, § 10085.6, subd. (a)(1).) Continental Solutions Corporation claimed, demanded, charged, collected, or received its advance fees from Santos Galvan, Arturo and Maria Cervantes, and Trinidad and Patty Delgadillo prior to October 11, 2009. (Factual Findings 23 and 29.) Furthermore, there was no evidence that any of the employees who engaged in such conduct was an officer, director, or person owning or controlling 10 percent or more of Continental Solutions Corporation's

stock any the time he or she engaged in such conduct. (Factual Findings 26 and 32.) Therefore, no cause exists to discipline Continental Solutions Corporation's real estate broker license pursuant to Business and Professions Code section 10177, subdivision (d), based on any of its alleged violations of Business and Professions Code section 10085.6.

5. All advance fees collected by a broker must be deposited into a trust fund account. (Bus. & Prof. Code, § 10146.) The broker must provide the owners of such fees an accounting of all advance fees paid at least once every quarter and upon completion of the contract under which the fees were paid. (*Ibid*; Cal. Code of Regs., tit. 10, § 2972.) None of the advance fees collected by Continental Solutions Corporation were deposited into a trust fund account, and the corporation did not provide an accounting to any of the clients who paid advance fees. (Factual Findings 24 and 30.) However, there was no evidence that any of the employees who engaged in such conduct was an officer, director, or person owning or controlling 10 percent or more of Continental Solutions Corporation's stock any the time he or she engaged in such conduct. (Factual Findings 26 and 32.) Therefore, no cause exists to discipline Continental Solutions Corporation's real estate broker license pursuant to Business and Professions Code section 10177, subdivision (d), based on any of its violations of Business and Professions Code section 10146 or California Code of Regulations, title 10, section 2972.

6. It is unlawful for a person to engage in activities that require a real estate broker license without having such license. (Bus. & Prof. Code, § 10130.) Complainant alleged that Continental Solutions Corporation dba Blue Pacific Financial Services, Inc., acting through Julio Garcia, violated Business and Professions Code section 10130 by demanding and collecting an advance fee for providing loan modification services to Galvan Santos. While the clear and convincing evidence established that Mr. Garcia did in fact engage in such acts despite his not having the proper license (Factual Finding 23), Continental Solutions Corporation had a real estate broker license (Factual Finding 2). Furthermore, there was no evidence that Mr. Garcia was ever an officer, director, or person owning or controlling 10 percent or more of Continental Solutions Corporation's. (Factual Finding 26.) Therefore, no cause exists to discipline Continental Solutions Corporation's real estate broker license pursuant to Business and Professions Code section 10177, subdivision (d), based on Mr. Garcia's violation of Business and Professions Code section 10130.

7. A real estate broker license may be disciplined if the licensee has made "any substantial misrepresentation." (Bus. & Prof. Code, § 10176, subd. (a).) As discussed in Factual Finding 25, Julio Garcia, acting as the office manager of Continental Solutions Corporation, misrepresented his ability to obtain an affordable loan modification of both loans to Santos Galvan. Therefore, cause exists to discipline Continental Solutions Corporation's real estate broker license pursuant to Business and Professions Code section 10176, subdivision (a).

8. A real estate broker license may be disciplined if the licensee has made "any false promises of a character likely to influence, persuade, or induce." (Bus. & Prof. Code, §

10176, subd. (b).) For the reasons discussed in Legal Conclusion 7, cause exists to discipline Continental Solutions Corporation's real estate broker license pursuant to Business and Professions Code section 10176, subdivision (b).

9. A real estate broker license may be disciplined if the licensee has engaged in "a continued and flagrant course of misrepresentation or making of false promises through real estate agents or salespersons." (Bus. & Prof. Code, § 10176, subd. (c).) While Julio Garcia misrepresented his ability to obtain an affordable loan modification of both loans to Santos Galvan as discussed in Factual Finding 25, that was Mr. Garcia's sole misrepresentation or false promise to Mr. Santos. Therefore, Mr. Garcia did not engage in "a continued and flagrant course of misrepresentation or making of false promises . . . ," and no cause exists to discipline Continental Solutions Corporation's real estate broker license pursuant to Business and Professions Code section 10176, subdivision (c).

10. A real estate broker license may be disciplined if the licensee has engaged in any conduct "which constitutes fraud or dishonest dealing." (Bus. & Prof. Code, § 10176, subd. (i).) For the reasons discussed in Legal Conclusion 7, cause exists to discipline Continental Solutions Corporation's real estate broker license pursuant to Business and Professions Code section 10176, subdivision (i).

11. A corporation's real estate broker license may be disciplined if an officer, director, or person owning or controlling 10 percent or more of the corporation's stock has "demonstrated negligence or incompetence in performing an act for which he or she is required to hold a license." (Bus. & Prof. Code, § 10177, subd. (g).) While Julio Garcia may have committed negligence when he misrepresented his ability to obtain an affordable loan modification of both loans to Santos Galvan as discussed in Factual Finding 25, there was no evidence that Mr. Garcia was ever an officer, director, or person owning or controlling 10 percent or more of Continental Solutions Corporation's stock (Factual Finding 26). Therefore, no cause exists to discipline Continental Solutions Corporation's real estate broker license pursuant to Business and Professions Code section 10177, subdivision (g), based on Mr. Garcia's alleged negligence.

12. A corporation's real estate broker license may be disciplined if an officer, director, or person owning or controlling 10 percent or more of the corporation's stock has "engaged in any other conduct . . . that constitutes fraud or dishonest dealing." (Bus. & Prof. Code, § 10177, subd. (j).) While Julio Garcia may have engaged in fraud or dishonest dealing when he misrepresented his ability to obtain an affordable loan modification of both loans to Santos Galvan as discussed in Factual Finding 25, there was no evidence that Mr. Garcia was ever an officer, director, or person owning or controlling 10 percent or more of Continental Solutions Corporation's stock (Factual Finding 26). Therefore, no cause exists to discipline Continental Solutions Corporation's real estate broker license pursuant to Business and Professions Code section 10177, subdivision (j), based on Mr. Garcia's alleged fraud or dishonest dealing.

13. For the reasons discussed in Factual Finding 35, there was no admissible evidence to establish that Osvaldo Martinez was an unlicensed individual who solicited Juana Zavala for the purpose of providing her loan modification services. Nor was there any evidence that Osvaldo Martinez was ever an officer, director, or person owning or controlling 10 percent or more of Continental Solutions Corporation's stock. (Factual Finding 35.) Therefore, no cause exists to discipline Continental Solutions Corporation's real estate broker license pursuant to Business and Professions Code section 10177, subdivision (d), based on Osvaldo Martinez's alleged violation of Business and Professions Code section 10130.

14. For the reasons discussed in Factual Finding 36, there was no admissible evidence to establish that Osvaldo Martinez misrepresented his ability to obtain an affordable loan modification for Juana Zavala and improperly collected an advance fee from her. Nor was there any evidence that Osvaldo Martinez was ever an officer, director, or person owning or controlling 10 percent or more of Continental Solutions Corporation's stock. (Factual Finding 36.) Therefore, no cause exists to discipline Continental Solutions Corporation's real estate broker license pursuant to Business and Professions Code sections 10085.5; 10176, subdivisions (a), (b), (c), or (i); or 10177, subdivisions (d), as it relates to California Code of Regulations, title 10, section 2970, (g), or (j), based on Osvaldo Martinez's alleged conduct.

15. The clear and convincing evidence established that Julio Garcia was not licensed by the Department in any capacity when he solicited Deputy Commissioner Rene Esquivel for the purpose of providing him loan modification services. (Factual Finding 27.) The clear and convincing evidence also established that Mr. Garcia demanded an advance fee for providing such services. (*Ibid.*) However, there was no evidence that Mr. Garcia was an officer, director, or person owning or controlling 10 percent or more of Continental Solutions Corporation's stock at the time he engaged in such conduct. (Factual Finding 27.) Therefore, no cause exists to discipline Continental Solutions Corporation's real estate broker license pursuant to Business and Professions Code section 10177, subdivision (d), based on Mr. Garcia's violation of Business and Professions Code section 10130.

16. For the reasons discussed in Factual Finding 37, there was no admissible evidence to establish that Carlos Bulla, aka Oscar Bulla, was an unlicensed individual who solicited Simona Jimenez for the purpose of providing her loan modification services. Nor was there any evidence that Mr. Bulla was ever an officer, director, or person owning or controlling 10 percent or more of Continental Solutions Corporation's stock. (Factual Finding 37.) Therefore, no cause exists to discipline Continental Solutions Corporation's real estate broker license pursuant to Business and Professions Code section 10177, subdivision (d), based on Mr. Bulla's alleged violation of Business and Professions Code section 10130.

17. For the reasons discussed in Factual Finding 38, there was no admissible evidence to establish that Carlos Bulla, aka Oscar Bulla, misrepresented his ability to obtain an affordable loan modification for Simona Jimenez and improperly collected an advance fee

from her. Nor was there any evidence that Mr. Bulla was ever an officer, director, or person owning or controlling 10 percent or more of Continental Solutions Corporation's stock. (Factual Finding 38.) Therefore, no cause exists to discipline Continental Solutions Corporation's real estate broker license pursuant to Business and Professions Code sections 10085.5; 10176, subdivisions (a), (b), (c), or (i); or 10177, subdivisions (d), as it relates to California Code of Regulations, title 10, section 2970, (g), or (j), based on Mr. Bulla's alleged conduct.

B. *Cause to Discipline Respondent Martinez's Real Estate Broker License*

18. A real estate broker license may be disciplined if the licensee is also the designated officer for a corporate licensee and has "failed to exercise reasonable supervision and control of the activities of the corporation for which a real estate license is required." (Bus. & Prof. Code, § 10177, subd. (h); see, e.g., *Holley v. Crank* (9th Cir.2005) 400 F.3d 667, 673 [a designated officer of a real estate corporation exposes his individual broker license to discipline by failing to properly supervise the corporation's real estate activities].) Respondent Martinez failed to exercise reasonable supervision and control over Continental Solutions Corporation's real estate activities as discussed in Factual Finding 31. Therefore, cause exists to discipline respondent Martinez's real estate broker license pursuant Business and Professions Code section 10177, subdivision (h).

19. For the reasons discussed in Legal Conclusion 18, respondent Martinez "demonstrated negligence or incompetence in performing an act for which he . . . is required to hold a license." (Bus. & Prof. Code, § 10177, subd. (g).) Therefore, cause exists to discipline his real estate broker license pursuant to Business and Professions Code section 10177, subdivision (g).

20. "A broker shall exercise reasonable supervision over the activities of his or her salespersons...." (Cal. Code of Regs., tit. 10, § 2725.) There was no evidence that respondent Martinez had any real estate salespersons working for him. Therefore, no cause exists to discipline his real estate broker license pursuant to Business and Professions Code section 10177, subdivision (d), based on his alleged violation of California Code of Regulations, title 10, section 2725.

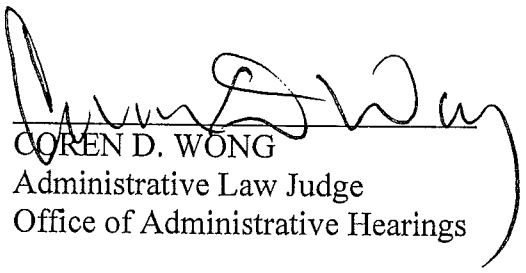
21. Cause exists to discipline Continental Solutions Corporation's real estate broker license for the reasons discussed in Legal Conclusions 1, 7, 8, and 10, individually and collectively. Cause also exists to discipline respondent Martinez's real estate broker license for the reasons discussed in Legal Conclusions 18 and 19, individually and collectively. When all relevant evidence is considered, respondent Martinez failed to demonstrate his ability to engage in the duties of a real estate licensee in a manner that is consistent with public health, safety, and welfare for the reasons discussed in Factual Findings 39 through 41. Therefore, Continental Solutions Corporation and respondent Martinez's respective real estate broker licenses must be revoked.

ORDER

1. All licenses and licensing rights of respondent Continental Solutions Corporation under the Real Estate Law are REVOKED.

2. All licenses and licensing rights of respondent Cesar Martinez under the Real Estate Law are REVOKED.

DATED: July 9, 2012



COREN D. WONG
Administrative Law Judge
Office of Administrative Hearings

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

Telephone: (916) 227-0780 (Direct)
-or- (916) 227-0789 (Main Office)
-or- (916) 227-9458 (Fax)

FILED

AUG 12 2011

DEPARTMENT OF REAL ESTATE

By D. Contreras

BEFORE THE

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of CONTINENTAL SOLUTIONS CORPORATION, a Corporation, and CESAR MARTINEZ, Respondents.	NO. H-2656 FR ACCUSATION

The Complainant, LUKE MARTIN, a Deputy Real Estate Commissioner of the State of California, for Accusation against CONTINENTAL SOLUTIONS CORPORATION (herein "CSC") dba Blue Pacific Financial Services, Inc. (herein "BPFSI") and CESAR MARTINEZ (herein "MARTINEZ") (herein collectively "Respondents"), is informed and alleges as follows:

1

The Complainant makes this Accusation in his official capacity.

2

At all times herein mentioned, Respondents were and now are, licensed and/or have license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code) (herein "the Code").

3

At all times herein mentioned, CSC was and now is licensed by the State of California Department of Real Estate (herein the "Department") as a corporate real estate broker by and through MARTINEZ as designated officer-broker of CSC to qualify said corporation and to act for said corporation as a real estate broker. Said license will expire on about March 23, 2015.

4

On about May 24, 2011, CSC made application to the Department for a mortgage loan originator license endorsement (herein "license endorsement").

5

At all times herein mentioned, MARTINEZ was licensed by the Department as a real estate broker, individually and as designated officer-broker of CSC. As said designated officer-broker, MARTINEZ was at all times mentioned herein responsible pursuant to Section 10159.2 of the Code for the supervision of the activities of the officers, agents, real estate licensees, and employees of CSC for which a license is required. Said license will expire on about February 22, 2015.

6

On about April 4, 2011, MARTINEZ made application to the Department for a mortgage loan originator license endorsement.

7

Whenever reference is made in an allegation in this Accusation to an act or omission of CSC, such allegation shall be deemed to mean that the officers, directors, employees, agents and/or real estate licensees employed by or associated with CSC committed such act or omission while engaged in the furtherance of the business or operations of such corporate respondent and while acting within the course and scope of their authority and employment.

8

At all times herein mentioned, Respondents engaged in the business of, acted in the capacity of, advertised, or assumed to act as real estate brokers within the State of California

on behalf of others, for compensation or in expectation of compensation within the meaning of Section 10131(d) of the Code, including the operation and conduct of a mortgage loan brokerage with the public wherein, on behalf of others, for compensation or in expectation of compensation, Respondents solicited lenders or borrowers for or negotiated loans or loan modifications or collected payments or performed services for borrowers or lenders or note owners in connection with loans or loan modifications secured directly or collaterally by liens on real property or on a business opportunity.

9

Between about January 1, 2009 and June 1, 2010, CSC claimed, demanded, charged, received, collected or contracted for advance fees from the following borrowers prior to submission to the Department of any or all materials used in advanced fee agreements or performed services for the following borrowers in connection with loans secured with real property before the borrowers became obligated to complete said loans, and failed to deposit said advance fees into a trust account with a bank or other recognized depository, in violation of Sections 10085 (advance fee materials), 10085.5 (advance fees), 10085.6 (advance fees), and 10146 (depositing advanced fees into a trust account) of the Code, and Sections 2970 (advance fee materials) and 2972 (accounting content) of Title 10, Chapter 6, of the California Code of Regulations (herein "the Regulations"):

Borrower	Property Address	Advance Fee	Date
Arturo Cervantes	317 E. 10th St, Hanford, CA 93230	$1,500	1/26/09
Trinidad Delgadillo	4107 E. Ave 510 Palmdale, CA 93552	$1,995	1/24/09
Maria Garcia	13126 Cannon Ave. Cutler, CA 93615	$2,500	2/3/09
Veronica Garcia	40222 Dianna Rd. Cutler, CA 93516	$2,500	2/9/09

Borrower	Property Address	Advance Fee	Date
J. Santos Galvan	4466 E. Pine Ave. Fresno, CA 93703	$1,500	2/12/09
Olivia Gonzalez	11302 Hallwood Dr. El Monte, CA 91732	$1,995	2/13/09
Maria T. Guzman	2248 E. Gettysburg Ave. Fresno, CA 93726	$2,500	2/27/09
Oscar Mendoza	605 S. Laspina St. Tulare, CA 93274	$2,500	3/18/09
Juana Zavala	1240 Hawaii Pl. Salinas, CA 93905	$1,000	9/26/09
Simona G. Jimenez	447 Charolais Dr. Gonzales, CA 93926	$ 500	6/2010

10

J. SANTOS GALVAN

On about February 12, 2009, CSC dba BPFSI acting through Julio Andrade (herein "Andrade"), an unlicensed individual, solicited J. Santos Galvan (herein "Galvan") in order to provide loan modification services to save Galvan's home located on E. Pine Ave., Fresno, CA 93703, from being lost in foreclosure, in violation of Section 10130 (unlicensed activity) of the Code.

11

In furtherance of CSC's plan and scheme to provide loan modification services to Galvan, Andrade represented to Galvan that he, Andrade, would obtain an affordable loan modification and demanded and collected an advance fee in the amount of $1,500.00 from Galvan, but failed to provide a successful and/or sustainable loan modification to Galvan, in violation of Sections 10085.5, 10176(a)(misrepresentation), (b) (false promise), (c) (continued and flagrant course of misrepresentation and/or making false promises), and (i) (fraud and

dishonest dealing by licensee), and/or 10177(g) (negligence) and/or 10177(j) (fraud and dishonest dealing) and Section 2970 (advance fees) of the Regulations.

12

JUANA ZAVALA

On about September 26, 2009, CSC dba BPFSI acting through Osvaldo Martinez (herein "O. Martinez"), an unlicensed individual, solicited Juana Zavala (herein "Zavala") in order to provide loan modification services to save Zavala's home located on 1240 Hawaii Pl., Salinas, CA 93905 from being lost in foreclosure, in violation of Section 10130 of the Code.

13

In furtherance of CSC's plan and scheme to provide loan modification services to Zavala, O. Martinez represented to Zavala that he, O. Martinez, would obtain an affordable loan modification and demanded and collected an advance fee of $1,000.00 from Zavala, but failed to provide a successful and/or sustainable loan modification to Zavala, in violation of Sections 10085.5, 10176(a), (b), (c), and (i), and/or 10177(g) and/or 10177(j), and Section 2970 of the Regulations.

14

SOLICITATION TO DEPARTMENT EMPLOYEE

On about October 21, 2009, CSC dba BPFSI acting through Andrade, solicited Department employee, Rene E. (herein "R. E.") to engage CSC and its agents to represent R. E. in negotiating with his lender in order to modify one or more loans secured by real property, representing to R. E. that an advance fee of $2,500.00 would be charged for services that MARTINEZ was to perform in obtaining the loan modification, in violation of Section 10130 of the Code.

15

SIMONA G. JIMENEZ

In about June 2010, CSC dba BPFSI acting through Carlos A. Bulla aka Oscar Bulla (herein "Bulla"), solicited Simona G. Jimenez (herein "Jimenez") in order to provide loan

modification services to save Jimenez' home located on 447 Charolais Dr., Gonzales, CA 93926, from being lost in foreclosure, in violation of Section 10130 of the Code.

16

In furtherance of CSC's plan and scheme to provide loan modification services to Jimenez, Bulla represented to Jimenez that he, Bulla, would obtain an affordable loan modification and demanded and collected an advance fee of $500.00 from Jimenez, but failed to provide a successful and/or sustainable loan modification to Jimenez, in violation of Sections 10085.6, 10176(a), (b), (c), and (i), and/or 10177 (g) and/or 10177(j), and Section 2970 of the Regulations.

17

At all times mentioned herein, MARTINEZ failed to exercise reasonable supervision over the acts of CSC, and its agents and employees in such a manner as to allow the acts and omissions on the part of CSC, described above, to occur in violation of Sections 10159.2 and 10177(h) and (g) of the Code, and Section 2725 of the Regulations.

18

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

(a) as to Paragraph 8, and Respondent CSC, under Sections of 10085, 10085.5, 10085.6, 10146 of the Code, and Sections 2970 and 2972 of the Regulations in conjunction with Section 10177(d) of the Code;

(b) as to Paragraph 10, and Respondent CSC, under Section 10130 of the Code in conjunction with Section 10177(d) of the Code;

(c) as to Paragraph 11, and Respondent CSC, under Sections 10085.5, 10176(a), (b), (c), and (i), and/or 10177(g) and/or 10177(j) and Section 2970 of the Regulations, in conjunction with Section 10177(d) of the Code;

(d) as to Paragraph 12, and Respondent CSC, under Section 10130 of the Code in conjunction with Section 10177(d) of the Code;

(e) as to Paragraph 13, and Respondent CSC, under Sections 10085.5, 10176(a), (b), (c), and (i), and/or 10177(g), and/or 10177(j), and Section 2970 of the Regulations, in conjunction with Section 10177(d) of the Code;

(f) as to Paragraph 14, and Respondent CSC, under Section 10130 of the Code in conjunction with Section 10177(d) of the Code;

(g) as to Paragraph 15, and Respondent CSC, under Section 10130 of the Code in conjunction with Section 10177(d) of the Code;

(h) as to Paragraph 16, and Respondent CSC, under Sections 10085.6, 10176(a), (b), (c), and (i), and/or 10177(g), and/or 10177(j), and Section 2970 of the Regulations, in conjunction with Section 10177(d) of the Code; and,

(i) as to Paragraph 17, and Respondent MARTINEZ, under Sections 10159.2, and 10177(g) and (h) of the Code, and Section 2725 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 Respondents 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.

LUKE MARTIN
Deputy Real Estate Commissioner

Dated at Fresno, California,
this 22nd day of July, 2011.