DEPARTMENT OF REAL ESTATE
P. O. Box 187007
Sacramento, CA 95818-7007

Telephone: (916) 227-0789

FILED

MAR 25 2010

DEPARTMENT OF REAL ESTATE

By _____

STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

To: ERIC BRANDON CALDWELL	NO. H-4081 SD
	ORDER TO DESIST AND REFRAIN (B&P Code Section 10086)

The Commissioner (hereinafter "Commissioner") of the California Department of Real Estate (hereinafter "Department") caused an investigation to be made of the activities of ERIC BRANDON CALDWELL (hereinafter "CALDWELL"). Based on that investigation, the Commissioner has determined that CALDWELL has engaged in, is engaging in, or is attempting to engage in, acts or practices constituting violations of the California Business and Professions Code (hereinafter "the Code") and/or Title 10, Chapter 6, California Code of Regulations (hereinafter "the Regulations"), including the business of, acting in the capacity of, and/or advertising or assuming to act as, a real estate broker in the State of California within the meaning of Section 10131(d) (performing services for borrowers and/or lenders in connection with loans secured by real property) 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 CALDWELL, those acts are alleged to have been done by CALDWELL, acting by himself, or by and/or through one or more agents, associates, affiliates, and/or co-conspirators, and using the name "National Mortgage Rescue", or other names or fictitious names unknown at this time (collectively referred to as "the related entities").

FINDINGS OF FACT

1. CALDWELL is presently licensed by the Department as a real estate salesperson. At no time herein was CALDWELL licensed as a real estate broker.

2. During the period of time set forth below, CALDWELL, while employed by or acting on behalf of one or more of the related entities, solicited borrowers 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; and charge, demand or collect an advance fee for any of the services offered.

3. On approximately July 24, 2008, CALDWELL solicited Guadalupe Tejada (hereinafter "Tejada") in order to provide loan modification services to Tejada in connection with a loan secured by real property located at 2195 Cabo Bahia, Chula Vista, California.

4. In furtherance of CALDWELL's plan and scheme to provide loan modification services to Tejada, CALDWELL requested an advance fee of $1,995 from Tejada. In reliance on CALDWELL's representations, Tejada issued a check to CALDWELL in the amount of $1,995, payable to National Mortgage Rescue.

5. After Tejada delivered the check mentioned above to CALDWELL, Tejada did not obtain a successful and sustainable loan modification, obtain any other benefit from CALDWELL, or from anyone connected in any way with CALDWELL, or any of the related entities, or receive a refund of the amount Tejada paid to National Mortgage Rescue.

///

///

6. On approximately July 31, 2008, CALDWELL solicited Tejada in order to provide loan modification services to Tejada in connection with a loan secured by real property located at 1749 A Regency Way, Chula Vista, California.

7. In furtherance of CALDWELL's plan and scheme to provide loan modification services to Tejada, CALDWELL requested an advance fee of $1,000 from Tejada. In reliance on CALDWELL's representations, Tejada issued a check to CALDWELL in the amount of $1,000, payable to National Mortgage Rescue.

8. After Tejada delivered the check mentioned above to CALDWELL, Tejada did not obtain a successful and sustainable loan modification, obtain any other benefit from CALDWELL, or from anyone connected in any way with CALDWELL, or any of the related entities, or receive a refund of the amount Tejada paid to National Mortgage Rescue.

9. CALDWELL, acting by himself, or by and/or through one or more of the related entities, or other names or fictitious names unknown at this time failed to provide Tejada with the services CALDWELL represented to her that he, or the related entities, would perform.

CONCLUSIONS OF LAW

10. Based on the findings of fact contained in paragraphs 1 through 9, CALDWELL, acting by himself, or by and/or through one or more of the related entities, or other names or fictitious names unknown at this time, solicited borrowers and represented that he would perform services for those borrowers and/or the borrowers' lender in connection with one or more loans secured directly or collaterally by one or more liens on real property; and charged, demanded or collected an advance fee for the services to be provided, which acts require a real estate broker license under Sections 10131(d) (performing services for borrowers and/or lenders in connection with loans secured by real property) and 10131.2 (claiming, demanding, charging, receiving, collecting or contracting for the collection of an advance fee in connection with any employment undertaken to obtain a loan secured by real property) of the Code, all in violation of Sections 10130 (it is unlawful for any person to act as a real estate broker within this state without first obtaining a real estate license from the Department), 10137 (no real estate

salesperson shall accept compensation from any person other than the broker under whom he is at the time licensed) and 10139 (any person acting as a real estate broker without a license or who advertises using words indicating that he 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) of the Code.

DESIST AND REFRAIN ORDER

Based on the Findings of Fact and Conclusions of Law stated herein, you, ERIC BRANDON CALDWELL, whether doing business under your own name, or any other name or fictitious name, ARE HEREBY ORDERED to immediately desist and refrain from performing any acts within the State of California for which a real estate broker license is required. In particular, you are ordered 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 condition, 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 other real estate related services offered by you to others.

DATED: 3/24/2010

JEFF DAVI
Real Estate Commissioner

By _____