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DEPARTMENT OF REAL ESTATE

By

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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To: 2ND CHANCE NEGOTIATIONS, INC., CHRISTOPHER JAMES MESUNAS, and MICHAEL GARCIA	No. H-5181 SAC ORDER TO DESIST AND REFRAIN (B&P Code Section 10086)

The Real Estate Commissioner of the State of California has caused an investigation to be conducted and has determined that 2ND CHANCE NEGOTIATIONS, INC. (2CNI), CHRISTOPHER JAMES MESUNAS (Mesunas), and MICHAEL GARCIA (Garcia) (hereinafter collectively referred to as "you") have violated sections 10130, 10085, 10085.5, 10146, and 10177(d) and (j) of the Business and Professions Code (the Code) and sections 2970 and 2972 of the Title 10 (Chapter 6) of the California Code Regulations (the Regulations).

1

At all times mentioned herein, 2CNI was not licensed by the Department of Real Estate of the State of California (the Department) as a corporate real estate broker or in any other capacity; Mesunas was licensed by the Department as an individual real estate broker; and Garcia was licensed by the Department as a real estate salesperson employed by corporate real

estate broker Mesunas Properties Inc., of which Mesunas was the designated officer on the Department's records.

2

At all times mentioned herein, 2CNI, Mesunas, and Garcia engaged in the business of, acted in the capacity of, advertised, or assumed to act as real estate brokers in the State of California, within the meaning of Section 10131(d) of the Code, including the operation and conduct of a mortgage loan brokerage and/or loan modification business with the public wherein each of them solicited lenders and borrowers for or negotiated loans or collected payments and/or performed services for borrowers or lenders or note owners in connection with loans secured directly or collaterally by liens on real property for or in expectation of compensation.

3

On or about June 6, 2008, in connection with the real estate activities described in Paragraph 2, Mesunas and/or Garcia and/or other agents or employees of 2CNI whose identities are unknown at this time, on behalf of 2CNI, claimed, demanded, charged, received, collected, and contracted for a fee of at least $800 in advance from Juanita and Juan Ceja, the owners of real property commonly known as 5350 Great Smokey, Sacramento, California (the Great Smokey property), for services you were to perform thereafter regarding obtaining a modification of loan terms for a loan secured by the Great Smokey property.

4

On or about June 30, 2008, in connection with the real estate activities described in Paragraph 2, Mesunas and/or Garcia and/or other agents or employees of 2CNI whose identities are unknown at this time, on behalf of 2CNI, claimed, demanded, charged, received, collected, and contracted for a fee of at least $1,995 in advance from Todd Barnett, the owner of real property commonly known as 1012 Village Circle, Winters, California (the Village Circle property), for services you were to perform thereafter in obtaining a modification of loan terms for a loan secured by the Village Circle property.

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On or about May 7, 2008, from 2CNI's office in Fair Oaks, California, in connection with the real estate activities described in Paragraph 2, Mesunas and/or Garcia and/or other agents or employees of 2CNI whose identities are unknown at this time, on behalf of 2CNI, claimed, demanded, charged, received, collected, and contracted for a fee of at least $1,175 in advance from Michael and Colleen Menzel, the owners of real property commonly known as 9683 Shelby Drive, Whitelake, MI 48386 (the Shelby Drive property), for services you were to perform thereafter in obtaining a modification of loan terms for a loan secured by the Shelby Drive property.

6

The fees described in paragraphs 3 through 5 above constituted "advance fees" within the meaning of Sections 10026 and 10131.2 of the Code.

7

In connection with the collection and handling of the advance fees described in paragraphs 3 through 6 above, 2CNI, Mesunas and/or Garcia failed to cause the advance fee agreement(s) and all materials used in obtaining the advance fees to be submitted to the Department of Real Estate prior to use, as required by sections 10085 (submission to Department of materials used in collection of advance fees prior to use), 10085.5 (collecting an advance fee under the circumstances described above is a public offense), 10146 (advance fees to be deposited in broker's trust account), and 10177(d) (willful disregard of the Code and Regulations sections mentioned in this paragraph) of the Code and sections 2970 and 2972 of the Regulations.

8

The acts and/or omissions of 2CNI, MESUNAS, and GARCIA described in paragraphs 3 through 5 violated sections 10085, 10085.5, 10046, and 10177(d) of the Code and sections 2970 and 2972 of the Regulations.

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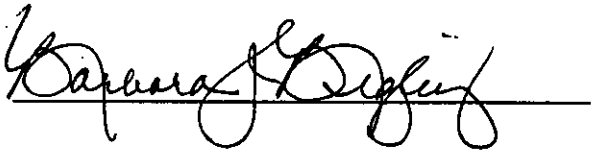
In addition, the acts and omissions of 2CNI described in paragraphs 2 through 5 violated section 10130 (engaging in acts requiring a real estate license while unlicensed) and section 10139 (criminal penalties for unlicensed activity) of the Code; the acts and omissions of Mesunas described in paragraphs 2 through 5 violated section 10177(j) (fraud or dishonest dealing) of the Code; and the acts and omissions of Garcia described in paragraphs 2 through 5 violated sections 10137 (accepting compensation from someone other than the broker to whom licensed), and 10177(j) (fraud or dishonest dealing) of the Code.

NOW, THEREFORE, YOU, 2ND CHANCE NEGOTIATIONS, INC., CHRISTOPHER JAMES MESUNAS, and MICHAEL GARCIA ARE HEREBY ORDERED TO DESIST AND REFRAIN from performing any and all acts within the State of California for which a real estate broker license is required, within the meaning of section 10131 of the Code unless and until you comply with sections 10130, 10085, 10085.5 and 10146 of the Code and sections 2970 and 2972 of the Regulations.

DATED: 3/24/09

JEFF DAVI
Real Estate Commissioner