FILED

AUG 17 2011

DEPARTMENT OF REAL ESTATE

By K. Contreras

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of AMERICAN RIVER REAL ESTATE, INC., a Corporation, SCOTT WOODS, and, LOUIS MASER, Respondents.	)	NO. H-5200 SAC and NO. H-5250 SAC

ORDER STAYING EFFECTIVE DATE

(As to Respondents American River Real Estate, Inc., and Scott Woods, Only)

On July 28, 2011, a Decision was rendered in the above-entitled matter to become effective on August 18, 2011.

IT IS HEREBY ORDERED that the effective date of the Decision is stayed as to Respondents AMERICAN RIVER REAL ESTATE, INC., and SCOTT WOODS, only, for a period of ten (10) days. The Decision of July 28, 2011, shall become effective at 12 o'clock noon on August 29, 2011, as to Respondents AMERICAN RIVER REAL ESTATE, INC., and SCOTT WOODS, only.

DATED: 8/16, 2011.

BARBARA J. BIGBY
Acting Real Estate Commissioner

Barbara J. Bigby

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

Telephone: (916) 227-0789

FILED

JUL 29 2011

DEPARTMENT OF REAL ESTATE

By K. Contreras

BEFORE THE

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Second Amended Accusation of: AMERICAN RIVER REAL ESTATE, INC., a Corporation, SCOTT WOODS, and, LOUIS MASER Respondents.	DRE No. H-5200 SAC STIPULATION AND AGREEMENT IN SETTLEMENT AND ORDER (as to AMERICAN RIVER REAL ESTATE, INC. and SCOTT WOODS Only)
In the Matter of the Accusation of: SCOTT WOODS, and GINA RODRIGUEZ Respondents.	DRE No. H-5250 SAC STIPULATION AND AGREEMENT IN SETTLEMENT AND ORDER

It is hereby stipulated by and between Respondents AMERICAN RIVER REAL ESTATE, INC. (herein "ARREI"), SCOTT WOODS (herein "WOODS"), and GINA RODRIGUEZ (herein "RODRIGUEZ") (herein jointly "Respondents"), individually and jointly, acting by and through Marc A. Fisher, attorney of record herein for Respondents, and the Complainant, acting by and through Mary F. Clarke, Counsel for the Department of Real Estate

(herein "the Department"), as follows for the purpose of settling and disposing of the Accusation filed on July 30, 2009, and the Second Amended Accusation filed on April 24, 2010, in this matter (herein "the Accusations"):

1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondents at a formal hearing on the Accusations, which hearing was to be held in accordance with the provisions of the Administrative Procedure Act (APA), shall instead and in place thereof be submitted solely on the basis of the provisions of this Stipulation and Agreement in Settlement.

2. Respondents have received, read and understand the Statement to Respondent, the Discovery Provisions of the APA and the Accusations filed by the Department in this proceeding.

3. Notices of Defense were filed on May 14, 2009, by Respondents ARREI and WOODS and April 12, 2010, by Respondent RODRIGUEZ, pursuant to Section 11505 of the Government Code for the purpose of requesting a hearing on the allegations in the Accusations. Respondents hereby freely and voluntarily withdraw said Notices of Defense. Respondents acknowledge that they understand that by withdrawing said Notices of Defense they will thereby waive their right to require the Commissioner to prove the allegations in the Accusations at a contested hearing held in accordance with the provisions of the APA and that they will waive other rights afforded to them in connection with the hearing such as the right to present evidence in defense of the allegations in the Accusations and the right to cross-examine witnesses.

4. Respondents, pursuant to the limitations set forth below, hereby admit that the factual allegations pertaining to them in the Accusations filed in this proceeding are true and correct and the Real Estate Commissioner shall not be required to provide further evidence of such allegations.

5. It is understood by the parties that the Real Estate Commissioner may adopt the Stipulation and Agreement in Settlement as his/her decision in this matter thereby imposing the

penalty and sanctions on Respondents' real estate licenses and license rights as set forth in the below "Order". In the event that the Commissioner in his/her discretion does not adopt the Stipulation and Agreement in Settlement, it shall be void and of no effect, and Respondents shall retain the right to a hearing and proceeding on the Accusations under all the provisions of the APA and shall not be bound by any admission or waiver made herein.

6. The Order or any subsequent Order of the Real Estate Commissioner made pursuant to this Stipulation and Agreement in Settlement shall not constitute an estoppel, merger or bar to any further administrative or civil proceedings by the Department with respect to any matters which were not specifically alleged to be causes for Accusations in this proceeding.

7. Respondents ARREI and WOODS understand that by agreeing to this Stipulation and Agreement, Respondents ARREI and WOODS jointly and severally agree to pay, pursuant to Section 10148 of the California Business and Professions Code (herein "the Code"), the cost of the audit which resulted in the determination that Respondents committed the violations found in Paragraph II, below, of the Determination of Issues. The amount of said cost is $6,411.90

8. Respondents ARREI and WOODS further understand that by agreeing to this Stipulation and Agreement in Settlement, the findings set forth below in the Determination of Issues become final, and that the Commissioner may charge said Respondents ARREI and WOODS, jointly and severally, for the costs of any audit conducted pursuant to Section 10148 of the Code to determine if the violations found in Paragraph II, below, of the Determination of Issues have been corrected. The maximum costs of said audit shall not exceed $6,411.90.

DETERMINATION OF ISSUES

I

The facts alleged in the Accusation filed July 30, 2009 (H-5250 SAC) are grounds for the suspension or revocation of the license and license rights of Respondents WOODS and RODRIGUEZ under the following provisions of the Code:

(a) as to Paragraph 7 under Sections 10130 and 10137 of the Code in conjunction with Section 10177(d) of the Code;

(b) as to Paragraph 8 and Respondent RODRIGUEZ, under Sections 10176(a), (b), (i) and/or 10177(g) and/or (j) of the Code;

(c) as to Paragraph 9 and Respondent RODRIGUEZ, under Section 10085.5 in conjunction with Section 10177(d) of the Code;

(d) as to Paragraph 10 under Section 10085 of the Code in conjunction with Section 10177(d) of the Code;

(e) as to Paragraph 11 under Section 10085.5 in conjunction with Section 10177(d) of the Code; and,

(f) as to Paragraph 12 under Sections 10176(i) and/or 10177(g) and/or (j);

II

The facts alleged in the Second Amended Accusation filed April 24, 2010 (H-5200 SAC) are grounds for the suspension or revocation of the licenses and license rights of Respondents ARREI and WOODS under the following provisions of the Code and/or the Regulations:

(a) as to Paragraph 8, and Respondent ARREI, under Section 10085 of the Code, and Section 2970 of the Regulations, in conjunction with Section 10177(d) of the Code;

(b) as to Paragraph 10, and Respondent ARREI, under Section 10085.5 of the Code, in conjunction with Section 10177(d) of the Code;

(c) as to Paragraph 13, and Respondents ARREI and MASER, under Section 10085 of the Code, and Section 2970 of the Regulations, in conjunction with Section 10177(d) of the Code;

(d) as to Paragraph 15, and Respondents ARREI and MASER, under Section 10085.5 of the Code, in conjunction with Section 10177(d) of the Code;

(e) as to Paragraph 16, and Respondent MASER, under Section 10146 of the Code, in conjunction Section 10177(d) of the Code;

(f) as to Paragraph 19, and Respondents ARREI and WOODS, under Section 10085 of the Code, and Section 2970 of the Regulations, in conjunction with Section 10177(d) of the Code;

(g) as to Paragraph 21, and Respondents ARREI and WOODS, under Section 10085.5 of the Code, in conjunction with Section 10177(d) of the Code;

(h) as to Paragraph 23(a), and Respondent ARREI, under Section 2832.1 of the Regulations, in conjunction with Section 10177(d) of the Code;

(i) as to Paragraph 23(b), and Respondent ARREI, under Section 2831 of the Regulations, in conjunction with Section 10177(d) of the Code;

(j) as to Paragraph 23(c), and Respondent ARREI, under Section 2831.1 of the Regulations, in conjunction with Section 10177(d) of the Code;

(k) as to Paragraph 23(d), and Respondent ARREI, under Section 2831.2 of the Regulations, in conjunction with Section 10177(d) of the Code;

(l) as to Paragraph 23(e), and Respondent ARREI, under Section 10145(g) of the Code and Section 2831.1 of the Regulations, in conjunction Section 10177(d) of the Code;

(m) as to Paragraph 23(f), and Respondent ARREI, under Section 2831 of the Regulations, in conjunction with Section 10177(d) of the Code;

(n) as to Paragraph 23(g), and Respondent ARREI, under Section 2832 of the Regulations, in conjunction with Section 10177(d) of the Code;

(o) as to Paragraph 23(h), and Respondent ARREI, under Section 10085 of the Code, and Section 2970 of the Regulations, in conjunction with Section 10177(d) of the Code;

(p) as to Paragraph 23(i), and Respondent ARREI, under Section 10146 of the Code, in conjunction Section 10177(d) of the Code;

(q) as to Paragraph 23(j), and Respondent ARREI, under Section 10146 of the Code and Section 2972 of the Regulations, in conjunction Section 10177(d) of the Code;

(r) as to Paragraph 23(k), and Respondent ARREI, under Sections 10240 and 10241 of the Code, in conjunction Section 10177(d) of the Code; and,

(s) as to Paragraph 24, and Respondent WOODS, under Sections 10177(g) and (h) and 10159.2 of the Code, and Section 2725 of the Regulations, in conjunction with Section 10177(d) of the Code.

ORDER

I

All licenses and licensing rights of Respondent ARREI under the Real Estate Law are suspended for a period of ninety (90) days from the effective date of this Order; provided, however, that:

1. Sixty (60) days of said suspension shall be stayed for two (2) years upon the following terms and conditions:

(a) Respondent shall obey all laws, rules and regulations governing the rights, duties and responsibilities of a real estate licensee in the State of California; and

(b) That no final subsequent determination be made, after hearing or upon stipulation, that cause for disciplinary action occurred within two (2) years from the effective date of this Order. Should such a determination be made, the Commissioner may, in his/her discretion, vacate and set aside the stay order and reimpose all or a portion of the stayed suspension. Should no such determination be made, the stay imposed herein shall become permanent.

2. The remaining thirty (30) days of said 90-day suspension shall be stayed upon the condition that Respondent ARREI petition pursuant to Section 10175.2 of the Code and pays

a monetary penalty pursuant to Section 10175.2 of the Code at a rate of $100.00 for each day of the suspension for a total monetary penalty of $3,000.00:

(a) Said payment shall be in the form of a cashier's check or certified check made payable to the Recovery Account of the Real Estate Fund. Said check must be received by the Department prior to the effective date of the Order in this matter.

(b) No further cause for disciplinary action against the real estate licenses of said Respondent occurs within two (2) years from the effective date of the decision in this matter.

(c) If Respondent ARREI fails to pay the monetary penalty as provided above prior to the effective date of this Order, the stay of the suspension shall be vacated as to Respondent ARREI and the order of suspension shall be immediately executed, under this Paragraph I of this Order, in which event Respondent ARREI shall not be entitled to any repayment nor credit, prorated or otherwise, for the money paid to the Department under the terms of this Order.

(d) If Respondent ARREI pays the monetary penalty and any other moneys due under this Stipulation and Agreement and if no further cause for disciplinary action against the real estate license of Respondent ARREI occurs within two (2) years from the effective date of this Order, the entire stay hereby granted under Paragraphs I and II of this Order, as to Respondent ARREI only, shall become permanent.

7. Respondents understand that by agreeing to this Stipulation and Agreement, Respondents ARREI and WOODS jointly and severally agree to pay, pursuant to Section 10148 of the Code, the cost of the audit which resulted in the determination that Respondents ARREI and WOODS committed the trust fund violations found in Paragraph II, above, of the Determination of Issues. The amount of said costs is $6,411.90.

8. Respondents ARREI and WOODS, jointly and severally, shall pay the Commissioner's costs, not to exceed $6,411.90, of any audit conducted pursuant to Section 10148 of the Code to determine if Respondents have corrected the violations described in

Paragraph II of the Determination of Issues, above. In calculating the amount of the Commissioner's reasonable cost, the Commissioner may use the estimated average hourly salary for all persons performing audits of real estate brokers, and shall include an allocation for travel time to and from the auditor's place of work. Respondents shall pay such cost within 60 days of receiving an invoice therefore from the Commissioner detailing the activities performed during the audit and the amount of time spent performing those activities. If Respondents fail to pay such cost within the 60 days, the Commissioner may in his/her discretion indefinitely suspend all license and licensing rights of Respondent ARREI under the Real Estate Law until payment is made in full or until Respondent ARREI enters into an agreement satisfactory to the Commissioner to provide for payment. Upon payment in full, the indefinite suspension provided in this paragraph shall be stayed.

II

A. All licenses and licensing rights of Respondent WOODS under the Real Estate Law are suspended until such time as Respondent WOODS provides proof satisfactory to the Commissioner that Respondent WOODS has, within one hundred twenty (120) days prior to the effective date of the Decision herein completed the continuing education course on trust fund accounting and handling specified in subdivision (a) of Section 10170.5 of the Code.

B. All licenses and licensing rights of Respondent WOODS under the Real Estate Law are suspended for a period of ninety (90) days from the effective date of this Order; provided, however, that:

1. Sixty (60) days of said suspension shall be stayed for two (2) years upon the following terms and conditions:

a. Respondent WOODS shall obey all laws, rules and regulations governing the rights, duties and responsibilities of a real estate licensee in the State of California; and

b. That no final subsequent determination be made, after hearing or upon stipulation, that cause for disciplinary action occurred within two (2) years from the effective date of this Order. Should such a determination be made, the Commissioner may, in his/her discretion, vacate and set aside the stay order and reimpose all or a portion of the stayed suspension. Should no such determination be made, the stay imposed herein shall become permanent.

2. The remaining thirty (30) days of said 90-day suspension shall be stayed upon the condition that Respondent WOODS petition pursuant to Section 10175.2 of the Code and pays a monetary penalty pursuant to Section 10175.2 of the Code at a rate of $100.00 for each day of the suspension for a total monetary penalty of $3,000.00:

a. Said payment shall be in the form of a cashier's check or certified check made payable to the Recovery Account of the Real Estate Fund. Said check must be received by the Department prior to the effective date of the Order in this matter.

b. No further cause for disciplinary action against the real estate licenses of said Respondent WOODS occurs within two (2) years from the effective date of the Decision in this matter.

c. If Respondent WOODS fails to pay the monetary penalty as provided above prior to the effective date of this Order, the stay of the suspension shall be vacated as to Respondent WOODS and the order of suspension shall be immediately executed, under this Paragraph II of this Order, in which event Respondent WOODS shall not be entitled to any repayment nor credit, prorated or otherwise, for the money paid to the Department under the terms of this Order.

d. If Respondent WOODS pays the monetary penalty and any other moneys due under this Stipulation and Agreement and if no further cause for disciplinary action against the real estate license of Respondent WOODS occurs within two (2) years from the

effective date of this Order, the entire stay hereby granted under Paragraphs I and II of this Order, as to Respondent WOODS only, shall become permanent.

3. Respondents WOODS and ARREI understand that by agreeing to this Stipulation and Agreement, Respondents jointly and severally agree to pay, pursuant to Section 10148 of the Code, the cost of the audit which resulted in the determination that Respondents committed the trust fund violation(s) found in Paragraph II, above, of the Determination of Issues. The amount of said costs is $6,411.90.

4. Respondents ARREI and WOODS, jointly and severally, shall pay the Commissioner's costs, not to exceed $6,411.90, of any audit conducted pursuant to Section 10148 of the Code to determine if Respondents have corrected the violations described in Paragraph II of the Determination of Issues, above. In calculating the amount of the Commissioner's reasonable cost, the Commissioner may use the estimated average hourly salary for all persons performing audits of real estate brokers, and shall include an allocation for travel time to and from the auditor's place of work. Respondents shall pay such cost within 60 days of receiving an invoice therefore from the Commissioner detailing the activities performed during the audit and the amount of time spent performing those activities. If Respondents fail to pay such cost within the 60 days, the Commissioner may in his/her discretion indefinitely suspend all license and licensing rights of Respondent ARREI under the Real Estate Law until payment is made in full or until Respondent ARREI enters into an agreement satisfactory to the Commissioner to provide for payment. Upon payment in full, the indefinite suspension provided in this paragraph shall be stayed.

III

All licenses and licensing rights of Respondent RODRIGUEZ under the Real Estate Law are suspended for a period of ninety (90) days from the effective date of this Order; provided, however, that:

1. Sixty (60) days of said suspension shall be stayed for two (2) years upon the following terms and conditions:

(a) Respondent shall obey all laws, rules and regulations governing the rights, duties and responsibilities of a real estate licensee in the State of California; and

(b) That no final subsequent determination be made, after hearing or upon stipulation, that cause for disciplinary action occurred within two (2) years from the effective date of this Order. Should such a determination be made, the Commissioner may, in his/her discretion, vacate and set aside the stay order and reimpose all or a portion of the stayed suspension. Should no such determination be made, the stay imposed herein shall become permanent.

2. The remaining thirty (30) days of said 90-day suspension shall be stayed upon the condition that Respondent RODRIGUEZ petition pursuant to Section 10175.2 of the Code and pays a monetary penalty pursuant to Section 10175.2 of the Code at a rate of $50.00 for each day of the suspension for a total monetary penalty of $1,500.00:

(a) Said payment shall be in the form of a cashier's check or certified check made payable to the Recovery Account of the Real Estate Fund. Said check must be received by the Department prior to the effective date of the Order in this matter.

(b) No further cause for disciplinary action against the real estate licenses of said Respondent occurs within two (2) years from the effective date of the decision in this matter.

(c) If Respondent RODRIGUEZ fails to pay the monetary penalty as provided above prior to the effective date of this Order, the stay of the suspension shall be vacated as to Respondent RODRIGUEZ and the order of suspension shall be immediately executed, under this Paragraph I of this Order, in which event Respondent RODRIGUEZ shall not be entitled to any repayment nor credit, prorated or otherwise, for the money paid to the Department under the terms of this Order.

(d) If Respondent RODRIGUEZ pays the monetary penalty and any other moneys due under this Stipulation and Agreement and if no further cause for disciplinary action against the real estate license of Respondent RODRIGUEZ occurs within two (2) years from the effective date of this Order, the entire stay hereby granted under Paragraphs I and II of this Order, as to Respondent RODRIGUEZ only, shall become permanent.

8-17-10
DATED

MARY F. CLARKE, Counsel
DEPARTMENT OF REAL ESTATE

* * *

I have read the Stipulation and Agreement and its terms are understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509, and 11513 of the Government Code), and I willingly, intelligently, and voluntarily waive those rights, including the right of requiring the Commissioner to prove the allegations in the Accusation at a hearing at which I would have the right to cross-examine witnesses against me and to present evidence in defense and mitigation of the charges.

8-16-10
DATED

AMERICAN RIVER REAL ESTATE, INC.
Respondent

By:
SCOTT WOODS
Designated Officer - Broker

8-16-10
DATED

SCOTT WOODS
Respondent

8-16-10
DATED

GINA RODRIGUEZ
Respondent

* * *

I have reviewed the Stipulation and Agreement as to form and content and have advised my clients accordingly.

DATED

MARC A. FISHER
Attorney for Respondent

* * *

The foregoing Stipulation and Agreement in Settlement and Order is hereby adopted by me as my Decision in this matter and shall become effective at 12 o'clock noon on _____.

IT IS SO ORDERED _____

Real Estate Commissioner

DATED

SCOTT WOODS
Respondent

DATED

GINA RODRIGUEZ
Respondent

* * *

I have reviewed the Stipulation and Agreement as to form and content and have advised my clients accordingly.

8/16/10
DATED

MARC A. FISHER
Attorney for Respondent

* * *

The foregoing Stipulation and Agreement in Settlement and Order is hereby adopted by me as my Decision in this matter and shall become effective at 12 o'clock noon on August 18, 2011

IT IS SO ORDERED 7/28/11

BARBARA J. BIGBY
Acting Real Estate Commissioner

08/16/2010 MON 16:06 [JOB NO. 5121] 001

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

Telephone: (916) 227-0791

FILED

APR 13 2010

DEPARTMENT OF REAL ESTATE

By K. Contreras

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of SCOTT WOODS, and GINA RODRIGUEZ, Respondent.	NO. H-5250 SAC (As to Gina Rodriguez Only)

ORDER VACATING DEFAULT DECISION

On February 23, 2010, a Default Order was filed as to Respondent GINA RODRIGUEZ only. Thereafter, on March 10, 2010, a Decision was rendered revoking the real estate salesperson license of Respondent GINA RODRIQUEZ, effective April 12, 2010.

On April 12, 2010, good cause was presented to set aside the Default Order of February 23, 2010, and to vacate the Decision of March 10, 2010, and to have the matter remanded to the Office of Administrative Hearings as a contested matter.

NOW, THEREFORE, IT IS ORDERED THAT THE Default Order of February 23, 2010, is set aside and the Default Decision of March 10, 2010, is vacated and that the Matter of the Accusation filed on July 30, 2009, is remanded to the Office of Administrative Hearings.

This Order shall be effective immediately.

DATED: April 12, 2010

JEFF DAVI
Real Estate Commissioner

FILED

MAR 22 2010

DEPARTMENT OF REAL ESTATE

By B. Contreras

BEFORE THE

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of SCOTT WOODS, and GINA RODRIGUEZ, Respondents.	))))))	NO. H-5250 SAC (As to Gina Rodriguez Only)

DECISION

This Decision, as to Respondent GINA RODRIGUEZ only, 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 February 23, 2010. The Findings of Fact set forth herein are based on one or more of the following: (l) Respondent RODRIGUEZ's express admissions; (2) affidavits; and/or, (3) other evidence.

This Decision as to Respondent RODRIGUEZ revokes a real estate license on grounds of misrepresentations, false promises, fraud and/or dishonest dealing, and/or negligence in connection with the performance of loan modification services, including the collection of advanced fees, prior to a review and approval of the advanced materials by the Department of Real Estate (herein "the Department").

The right to reinstatement of a revoked real estate license is controlled by Section 11522 of the Government Code. A copy of Section 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of Respondent RODRIGUEZ.

FINDINGS OF FACT

1

On about October 9, 2008, Respondent RODRIGUEZ, representing KI, solicited Sarah and David Picton (the Pictons) in order to provide loan modification services to prevent foreclosure on the Pictons' three (3) properties, as set out below, from being lost in foreclosure:

a) 8060 Stallion Way Sacramento, 95830;
b) 4816 17th Ave., Sacramento, CA 95820; and
c) 42 Moonlit Circle, Sacramento, CA 95831,

in violation of Sections 10130 and 10137 of the California Business and Professions Code (herein the "Code").

2

On about October 9, 2008, Respondent RODRIGUEZ represented to the Pictons that she would reduce the principal balance on their home or the Pictons would receive 100 percent of their money back, when, in fact, no loan modification was ever performed or completed and no funds were ever reimbursed to the Pictons, in violation of Sections 10176(a), (b), (i) and/or 10177(g) and/or (j) of the Code.

3

On about October 9, 2008, three (3) Negotiation Contracts, one for each property, were entered into between David Picton and "Loan Redux A Division of KI Systems, LLC" as described in Paragraph 1, above, wherein Loan Redux would provide loan modification services in exchange for a fee of $2,500.00, which included a "processing & packaging" fee of $1,250.00, the remaining $1,250.00 to be paid "on completion." Said contracts were entered into prior to receiving a "no objection" letter from the Department, in violation of Section 10085 of the Code.

4

On about October 9, 2008, in reliance on Respondent RODRIGUEZ's representations, the Pictons delivered three (3) checks made out to Loan Redux, each for $1,200.00, to Respondent RODRIGUEZ, in violation of Section 10185.5 of the Code.

5

On about October 9, 2008, in furtherance of Respondent RODRIGUEZ's plan and scheme to provide loan modification services to the Pictons, RODRIGUEZ collected, and cashed, the advance fee checks described in Paragraph 4, above, in the amount of about $3,600.00, which represented $1,200.00 for each property, in violation of Section 10085.5 of the Code.

6

After having delivered said checks to Respondent RODRIGUEZ, described in Paragraphs 4 and 5, above, the Pictons received no further communication or services of any type from Respondent RODRIGUEZ, in violation of Sections 10176(i) and/or 10177(g) and/or (j) of the Code.

DETERMINATION OF ISSUES

1

The facts found above constitute cause for suspension or revocation of the license and license rights of Respondent RODRIGUEZ under Sections 10085, 10085.5, 10176(a), (b), (i) and/or 10177(g) and/or (j) of Code.

2

The standard of proof applied is clear and convincing proof to a reasonable certainty.

ORDER

The real estate license and license rights of Respondent GINA RODRIGUEZ under the provisions of Part I of Division 4 of the California Business and Professions Code are hereby revoked.

This Decision shall become effective at 12 o'clock noon on April 12, 2010.

DATED: 3/10, 2010.

JEFF DAVI
Real Estate Commissioner

Order vacated

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

Telephone: (916) 227-0789

FILED

FEB 23 2010

DEPARTMENT OF REAL ESTATE

By D. Contreras

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of SCOTT WOODS GINA RODRIGUEZ, Respondents.	NO. H-5250 SAC DEFAULT ORDER (As to Gina Rodriguez Only)

Respondent, GINA RODRIGUEZ, having failed to file a Notice of Defense within the time required by Section 11506 of the Government Code, is now in default. It is, therefore, ordered that a default be entered on the record in this matter as to GINA RODRIGUEZ only.

IT IS SO ORDERED February 16, 2010.

JEFF DAVI
Real Estate Commissioner

By: Charles W. Koenig
CHARLES W. KOENIG
Regional Manager

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

Telephone: (916) 227-0789
-or- (916) 227-0780 (Direct)

FILED

JUL 30 2009

DEPARTMENT OF REAL ESTATE

By K. Contreras

BEFORE THE

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of SCOTT WOODS, and GINA RODRIGUEZ, Respondents.	NO. H-5250 SAC ACCUSATION

The Complainant, JOE M. CARRILLO, a Deputy Real Estate Commissioner of the State of California, for Accusation against SCOTT WOODS (herein "WOODS") and GINA RODRIGUEZ (herein "RODRIGUEZ") (herein collectively "Respondents") is informed and alleges as follows:

1

Complainant makes this Accusation against Respondents 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 mentioned herein, Respondent WOODS was and now is licensed by the Department of Real Estate (herein "Department") as a real estate broker. Further, Respondent WOODS is the managing member of KI Systems, LLC (herein "KI"), dba Loan Redux, referred to in Paragraph 10, below.

4

At all times mentioned herein, Respondent RODRIGUEZ was and now is licensed by the Department as a real estate salesperson. Respondent RODRIGUEZ has been in the employ of Respondent WOODS, as of February 27, 2009; between about August 23, 2006 and December 30, 2008, Respondent RODRIGUEZ was employed by Norcal Gold, Inc.

5

At all times mentioned herein, Respondent WOODS engaged in the business of, acted in the capacity of, advertised, or assumed to act as a real estate broker within the State of California 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, Respondent WOODS solicited lenders or borrowers for or negotiated loans or collected payments or performed services for borrowers or lenders or note owners in connection with loans secured directly or collaterally by liens on real property or on a business opportunity.

6

At all times mentioned herein, Respondent RODRIGUEZ, 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 advanced fees for any of the services offered.

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7

On about October 9, 2008, Respondent RODRIGUEZ, representing KI, solicited Sarah and David Picton (the Picton's) in order to provide loan modification services to save the Picton's three (3) properties, as set out below, from being lost in foreclosure:

a) 8060 Stallion Way Sacramento, 95830;

b) 4816 17th Ave., Sacramento, CA 95820; and,

c) 42 Moonlit Circle, Sacramento, CA 95831,

in violation of Sections 10130 and 10137 of the Code.

8

On about October 9, 2008, Respondent RODRIGUEZ represented to the Picton's that she would reduce the principal balance on their home or the Picton's would receive 100 percent of their money back, when, in fact, no loan modification was ever performed or completed and no funds were ever reimbursed to the Picton's, in violation of Sections 10176(a), (b), (i) and/or 10177(g) and/or (j) of the Code.

9

On about October 9, 2008, in furtherance of Respondents' plan and scheme to provide loan modification services to the Picton's, Respondent RODRIGUEZ requested advance fees from the Picton's in the amount of about $3,600.00, which represented $1,200.00 for each property, in violation of Section 10085.5 of the Code.

10

On about October 9, 2008, three (3) Negotiation Contracts, one for each property, were entered into between David Picton and "Loan Redux A Division of KI Systems, LLC" as described in Paragraph 7, above, wherein Loan Redux would provide loan modification services in exchange for a fee of $2,500.00, which included a "processing & packaging" fee of $1,250.00, the remaining $1,250.00 to be paid "on completion." Said contracts were entered into prior to Respondents having received a "no objection" letter from the Department, in violation of Section 10085 of the Code.

11

On about October 9, 2008, in reliance on Respondent RODRIGUEZ' representations, the Picton's delivered three (3) checks made out to Loan Redux, each for $1,200.00, to Respondent RODRIGUEZ, in violation of Section 10185.5 of the Code.

12

After the Picton's delivered the checks to Respondent RODRIGUEZ, as mentioned in Paragraph 11, above, the Picton's received no further communication or services of any type from Respondents, in violation of Sections 10176(i) and/or 10177(g) and/or (j).

13

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

(a) as to Paragraph 7 and Respondents WOOD and RODRIGUEZ under Sections 10130 and 10137 of the Code in conjunction with Section 10177(d) of the Code;

(b) as to Paragraph 8 and Respondent RODRIGUEZ, under Sections 10176(a), (b), (i) and/or 10177(g) and/or (j) of the Code;

(c) as to Paragraph 9 and Respondent RODRIGUEZ, under Section 10085.5 in conjunction with Section 10177(d) of the Code;

(d) as to Paragraph 10 and Respondents WOOD and RODRIGUEZ under Section 10085 of the Code in conjunction with Section 10177(d) of the Code;

(e) as to Paragraph 11 and Respondents WOOD and RODRIGUEZ under Section 10085.5 in conjunction with Section 10177(d) of the Code; and,

(f) as to Paragraph 12and Respondents WOOD and RODRIGUEZ under Sections 10176(i) and/or 10177(g) and/or (j).

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.

JOE M. CARRILLO
Deputy Real Estate Commissioner

Dated at Sacramento, California
this 12 day of June, 2009