DEPARTMENT OF REAL ESTATE
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FILED

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DEPARTMENT OF REAL ESTATE

By

STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

To: MAXX REALTY AND LENDING, INC., and ROSENDO AGUSTIN FLORES	No. H-11077 SF 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 MAXX REALTY AND LENDING, INC. (hereinafter "MRLI"), and ROSENDO AGUSTIN FLORES (hereinafter "FLORES"). Based on that investigation, the Commissioner has determined that MRLI, and FLORES, have engaged in, are engaging in, or are 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 Sections 10131(d) (performing services for borrowers and/or lenders in connection with loans secured by real property) and 10131.2 (real estate broker license required to charge and collect an advance fee) 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.

FINDINGS OF FACT

1. MRLI is a corporation registered with the California Secretary of State's Office.

2. At all times mentioned MRLI was and is licensed by the Department as a real estate corporation. From on or about October 22, 2009 to March 2, 2010, MRLI failed to have a designated-officer affiliated with its license.

3. At all times mentioned, FLORES was and is licensed by the Department as a real estate salesperson.

4. During the period of time set forth below, FLORES, and/or other agents or employees of MRLI whose identifies are unknown at this time, on behalf of MRLI 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.

5. On or about November 11, 2009, FLORES, and/or other agents or employees of MRLI whose identifies are unknown at this time, on behalf of MRLI, solicited Eric and Heather D. (hereinafter "Eric and Heather") in order to provide a loan modification on behalf of Eric and Heather in connection with a loan secured by real property located at 260 Eastridge Drive, San Ramon, California. In furtherance of MRLI'S plan and scheme to provide loan modification services to Eric and Heather, MRLI requested and received an advance fee of $3,000 from Eric and Heather on December 15, 2009.

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CONCLUSIONS OF LAW

6. Based on the Findings of Fact contained in Paragraphs 1 through 5, FLORES and MRLI, solicited one or more borrowers to perform services for those borrowers and/or those borrowers' lenders in connection with loans secured directly or collaterally by one or more liens on real property located within the State of California, and charged, demanded or collected advance fees for the services to be provided, which acts require a real estate broker license under Section 10131(d) (real estate license required for enumerated acts) and Section 10131.2 (real estate broker license required to charge or collect an advance fee) of the Code.

7. Based on the Findings of Fact contained in Paragraphs 1 through 5, MRLI, used a form of advance fee agreement which had not been provided to the Department for its prior review and consideration, in violation of Section 10085 of the Code (prior submission of advance fee materials required) and Section 2970 (details for prior submission of advance fee materials) of the Regulations.

DESIST AND REFRAIN ORDER

Based on the Findings of Fact and Conclusions of Law stated herein, MRLI and FLORES, whether doing business under your own name, or any other name or fictitious name, ARE HEREBY ORDERED to:

1. Immediately desist and refrain from performing any acts within the State of California for which a real estate broker license is required; and

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2. Immediately desist and refrain from charging, demanding, claiming, collecting and/or receiving advance fees, as that term is defined in Section 10026 of the Code, in any form, and under any conditions, with respect to the performance of loan modifications or any other form of mortgage loan forbearance service in connection with loans on residential property containing four or fewer dwelling units (Code Section 10085.6).

DATED: 2/23/11

JEFF DAVI
Real Estate Commissioner

By

BY: Barbara J. Bigby
Chief Deputy Commissioner

- NOTICE -

Business and Professions Code Section 10139 provides that, "Any person acting as a real estate broker or real estate salesperson without a license or who advertises using words indicating that he or she is a real estate broker without being so licensed shall be guilty of a public offense punishable by a fine not exceeding twenty thousand dollars ($20,000), or by imprisonment in the county jail for a term not to exceed six months, or by both fine and imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars ($60,000)"