DEPARTMENT OF REAL ESTATE
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FILED

DEC 21 2011

DEPARTMENT OF REAL ESTATE

By L. Contreras

BEFORE THE STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

To: OSCAR AMADOR.	NO. H-11281 SF
	ORDER TO DESIST AND REFRAIN (B&P Code Section 10086)

The Real Estate Commissioner (Commissioner) of the California Department of Real Estate (Department) caused an investigation to be made of the activities of OSCAR AMADOR. Based on that investigation, the Commissioner has determined that OSCAR AMADOR has engaged in, is engaging in, or is attempting to engage in, acts or practices constituting violations of the California Business and Professions Code (Code) and/or Title 10, Chapter 6, California Code of Regulations (Regulations), including claiming, demanding, charging, and/or collecting advance fees for performing services in connection with a loan to be secured directly or collaterally by a lien on real property before submitting advance fee agreements to the Commissioner and before the borrower was obligated to complete the loan, in violation of Sections 10085 and 10085.5 of the Code, and Sections 2970 (advance fee agreements) and 2972 (accounting of advance fees collected) of the Regulations.

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 OSCAR AMADOR those acts are alleged to have been done by OSCAR AMADOR, acting by himself, or by and/or through one or more agents, associates, affiliates, and/or co-conspirators, including, but not limited to OSCAR AMADOR.

FINDINGS OF FACT

1. OSCAR AMADOR has been licensed by the Department since May 5, 2005 as a real estate salesperson, and since May 3, 2006 as a broker whose license expires on May 3, 2014.

2.. During the period of time set out below, OSCAR AMADOR 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 advance fees for any of the services offered.

3. In about November 2008, OSCAR AMADOR solicited Emilio C. and Julia C. (herein "the C's") to provide loan modification services in order to save the C's residence located in San Jose, California, CA, from foreclosure.

4. On about November 28, 2008, OSCAR AMADOR collected an advance fee in the amount of about $4,500 for said loan modification services prior to submitting to the Department any or all materials used in advanced fee agreements, including but not limited to the contract form, any letters or cards used to solicit prospective sellers, and radio and television advertising, at least ten calendar days before it was used in obtaining an advance fee agreement and prior to the C's obligation to complete the loan, in violation of Sections 10085 (submission of advance fee agreement) and 10085.5 (collection of advance fees) of the Code, and Section 2970 (submission of advance fee agreement) of the Regulations.

5. At all times mentioned herein, OSCAR AMADOR failed to provide the C's with an accounting of said advance fees collected, as required by Section 10146 of the Code, and Section 2972 of the Regulations.

CONCLUSIONS OF LAW

6. Based on the Findings of Fact contained in Paragraphs 1 through 5, OSCAR AMADOR, acting by himself, or by and/or through one or more agents, associates, affiliates, and/or co-conspirators, including, but not limited to AMADOR, charged, demanded or collected advance fees prior to the borrower's obligation to complete the loan, in violation of Section 10085.5 of the

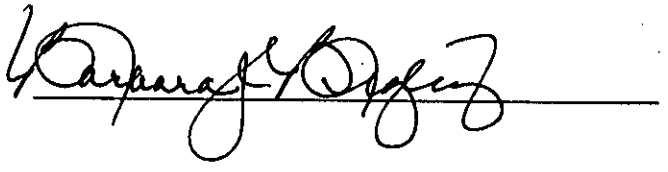
Code, and prior to submitting an advance fee agreement for review by the Commissioner, as required by Section 10085 of the Code and Section 2970 of the Regulations, and failed to provide an accounting of said advance fees collected, as required by Section 10146 of the Code and Section 2972 of the Regulations.

DESIST AND REFRAIN ORDER

Based on the Findings of Fact and Conclusions of Law stated herein, OSCAR AMADOR, whether doing business under your own name, or any other names or fictitious names, ARE HEREBY ORDERED to 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: 12/5/11

BARBARA J. BIGBY
Acting Real Estate 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)"

cc: OSCAR AMADOR
P.O. Box 2310
Dublin, CA 94568

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