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FILED

JUN 9 2009

DEPARTMENT OF REAL ESTATE
BY: _____

STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

To: JC RUIZ CAPITAL GROUP INC. doing business as Prominent Financial Solutions; and/or any other names or fictitious names used by JC RUIZ CAPITAL GROUP INC.; and to JAMES ALFRED SANTANA,	No. H- 36039 LA ORDER TO DESIST AND REFRAIN (B&P Code Section 10086)

The Commissioner (Commissioner) of the California Department of Real Estate (Department) caused an investigation to be made of the activities of JC RUIZ CAPITAL GROUP INC. (JCRCGI) and JAMES ALFRED SANTANA (SANTANA). Based on that investigation, the Commissioner has determined that JCRCGI and SANTANA have engaged in, are engaging in, or are 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 the business of, acting in the capacity of, and/or advertising or assuming to act as real estate brokers in the State of California within the meaning of Code

Section 10131(a) (performing real estate sales), Section 10131(d) (performing loan modification services for distressed homeowners) and 10131.2 (operating an advance fee and brokerage). 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 Code Section 10086.

Whenever acts referred to below are attributed to JCRCGI, those acts are alleged to have been done by JCRCGI, acting by itself, or by and/or through one or more agents, associates, affiliates, and/or co-conspirators, including, but not limited to SANTANA, and using the name "Prominent Financial Solutions", or other names or fictitious names unknown at this time.

FINDINGS OF FACT

1. JCRCGI has been licensed by the Department as a real estate broker since December 13, 2007, by and though SANTANA. JCRCGI's license expires on December 12, 2011.

2. SANTANA has been licensed by the Department as a real estate broker since March 28, 1995. SANTANA's license expires on April 13, 2011.

3. During the audit time period, below, JCRCGI and SANTANA engaged in the business of real estate brokers conducting licensed activities within the meaning of Code Sections 10131(a), engaging in a residential resale brokerage dba Maxima Home Loans, 10131(d) and 10131.2 engaging in charging and collecting advance fees for loan modification services dba First American Financial Consulting Inc. Respondents JCRCGI and SANTANA contacted lenders on behalf of distressed homeowners seeking to modify or forebear the terms of their home loans secured directly or collaterally by one or more liens on real property.

4. On March 10, 2009, the Department completed an audit examination of the books and records of JCRCGI pertaining to the real estate sales activities which require a real estate

license. The audit examination covered a period of time beginning on December 13, 2007 to January 31, 2009. The audit examination found that JCRCGI and SANTANA violated the Real Estate Law, Code and Regulations which are more fully discussed in Audit Report LA 080185 and the exhibits and work papers attached to the audit report, as follows:

(a) Failed to place trust funds, including credit earnest money deposits for Jose M. Campos, Leticia Perez & Roberts Chaires, and Juan Carlos Garcia, accepted on behalf of another into the hands of the owner of the funds, a neutral escrow depository or into a trust fund account in the name of the trustee at a bank or other financial institution not later than three business days following receipt of the funds by the broker or by the broker's salesperson, as required by Code Section 10145 and Regulation 2832(d).

(b) Misrepresented to sellers that JCRCGI held earnest money deposit for Jose M. Campos, Leticia Perez & Roberts Chaires, and Juan Carlos Garcia, in violation of Code Section 10176(a) and/or 10177(g).

(c) Failed to retain the salesperson license certificate for Fernando Reveles Torres, in violation of Code Section 10160 and Regulation 2753; and

(d) Under the name First America Financial Consulting Inc., an unlicensed corporation, performed and continue to perform acts for which a real estate license is required including operating an advance fee and loan modification brokerage, in violation of Code Section 10130.

5. Additionally, CRCGI and SANTANA, violated the Code and the Regulations as follows:

(a) Code Section 10176(i) for fraud and dishonest dealing for systematically employing unlicensed persons as loan modification agents to solicit advance fees from distressed homeowners seeking modification to the terms of their home loans without first obtaining an

advance fee agreement from the Department.

(b) Code Sections 10176(i) for breach of fiduciary duty by soliciting distressed homeowners, including but not limited to Fermin Flores on JCRCGI's website then referring them to unlicensed First America Financial Consulting Inc. through unlicensed persons acting as crossover referral agents from Maxima Home Loans to First America Financial Consulting Inc. for negotiating modification of the terms of their home loans.

(c) Code Section 10176(i) for breach of fiduciary duty by soliciting distressed homeowners on JCRCGI's website, including Fermin Flores, then referring them to unlicensed First America Financial Consulting Inc.

(d) Code Sections 10177(d), 10146 for failing to establish and maintain a trust account at a bank or other recognized financial institution in the name of the broker for deposit of advance fees collected by JCRCGI and/or First America Financial Consulting Inc.

(e) Code Sections 10177(d), 10085 and Regulation 2970 for collecting advance fees within the meaning of Code Section 10026 from distressed homeowners seeking loan modification services wherein JCRCGI and/or First America Financial Consulting Inc. failed to provide homeowner Fermin Flores an advance fee agreement by the Department.

(f) Code Section 10146 and Regulation 2972 with reference to the lack of an advance fee agreement, JCRCGI and/or First America Financial Consulting Inc. failed to provide a complete description of services to be rendered provided to each homeowner in 10 point type font and, an allocation, disbursement and accounting of the amount collected as the advance fee.

(g) Code Section 10177(d), for violation of the Real Estate Law.

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CONCLUSIONS OF LAW

6. Based on the Findings of Fact contained in findings 1 through 5, JCRCGI, acting by itself, or by and/or through one or more agents, associates, affiliates, and/or co-conspirators, including, but not limited to SANTANA, and using the name "Maxima Home Loans" and" First America Financial Consulting Inc., or other names or fictitious names unknown at this time, performed and continuing to perform loan modification services for distressed homeowners and/or those homeowners' lenders in connection with loans secured directly or collaterally by one or more liens on real property, and charged, demanded or collected advance fees for the loan modification services to be provided, which acts require inter alia an advance fee agreement from the Department and a trust account for deposit of advance fees pursuant to Code Section 10146.

7. Based on the Findings of Fact contained in Findings 3 and 4 based on the audit report, JCRCGI and SANTANA, violated Code Sections 10130, 10145, 10160, 10176(a) and 10177(g) and Regulations 2753 and 2832(d).

8. Based on the additional Findings of Fact contained in Findings 3 through 5, JCRCGI and SANTANA, violated Code Sections 10085, 10145, 10146 and 10176(i), and 10177(g) and Regulations 2970 and 2972.

DESIST AND REFRAIN ORDER

Based on the Findings of Fact and Conclusions of Law stated herein, you,

JC RUIZ CAPITAL GROUP INC. and JAMES ALFRED SANTANA, whether doing business under your own names, or any other names or fictitious names, ARE HEREBY ORDERED to

1. Immediately desist and refrain from performing any acts requiring a real estate license in California unless and until you are in compliance with Code Sections 10085, 10130, 10145, 10146, 10160, 10176(a) , 10176(i) and 10177(d) and Regulations 2753, 2832(d), 2970 and 2972.

In particular, you are ordered to desist and refrain from:

(i) Soliciting borrowers and/or performing loan modification services for borrowers or lenders in connection with loans secured directly or collaterally by one or more liens on real property, and (ii) from charging, demanding, or collecting an advance fee for any of the services you offer to others, unless and until you demonstrate and provide evidence satisfactory to the Commissioner that you are in full compliance with all of the requirements of the Code and Regulations relating to charging, collecting, and accounting for advance fees.

2. Performing any acts requiring a real estate license in California unless and until you are in compliance with Code Sections 10085, 10145 and 10146, and Regulations 2970 and 2972.

3. Charging or collecting advance fees, as that term in defined in Code 10026, in any form and particularly with respect to loan modification , forbearance agreements loan refinance, principal/interest reduction, foreclosure abatement or short sale services, unless and until you demonstrate and provide evidence satisfactory to the Commissioner that you have:

(i) an advance fee agreement which has been submitted to the Department and which is in compliance with Code Section 10085 and Regulations 2970 and 2972.

(ii) placed all previously collected advance fees into a trust account for that purpose and are in compliance with Code Section 10146; and

(iii) provided an accounting to trust fund owner-beneficiaries pursuant to Code Section 10146 and Regulation 2972.

DATED: 6/13, 2009

JEFF DAVI
Real Estate Commissioner

By _____

cc: JC Ruiz Capital Group Inc.
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