FILED
OCT 26 2010
DEPARTMENT OF REAL ESTATE
By

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of CESAR A. VALDIVIA, Respondent.	No. H-36333 LA L-2010040085

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On October 29, 2009, an Accusation was filed in this matter against Respondent CESAR A. VALDIVIA.

On October 7, 2010, Respondent petitioned the Commissioner to voluntarily surrender his real estate salesperson license pursuant to Section 10100.2 of the Business and Professions Code.

IT IS HEREBY ORDERED that Respondent CESAR A. VALDIVIA's petition for voluntary surrender of his real estate salesperson license is accepted as of the effective date of this Order as set forth below, based upon the understanding and agreement expressed in Respondent's Declaration dated

October 7, 2010 (attached as Exhibit "A" hereto). Respondent's license certificate and pocket card shall be sent to the below listed address so that they reach the Department on or before the effective date of this Order:

Department of Real Estate
Attn: Licensing Flag Section
P.O. Box 187000
Sacramento, CA 95818-7000

This Order shall become effective at 12 o'clock noon on November 15, 2010.

DATED: 10/20, 2010.

JEFF DAVI
Real Estate Commissioner

Exhibit "A"

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of CESAR A. VALDIVIA and MARCO ANTONIO MUNOZ, Respondents.	No. H-36333 LA L-2010040085

DECLARATION

My name is CESAR A. VALDIVIA, and I am currently licensed as a real estate salesperson and/or have license rights with respect to said license. I am representing myself in this matter.

In lieu of proceeding in this matter in accordance with the provisions of the Administrative Procedure Act (Sections 11400 et seq., of the Government Code), I wish to voluntarily surrender my real estate license issued by the Department of Real Estate ("Department"), pursuant to Business and Professions Code Section 10100.2.

I understand that by so voluntarily surrendering my license, I may be relicensed as a broker or as a salesperson only by petitioning for reinstatement pursuant to Section 11522 of the Government Code. I also understand that by so voluntarily surrendering my license, I agree to the following:

1. The filing of this Declaration shall be deemed as my petition for voluntary surrender.

2. It shall also be deemed to be an understanding and agreement by me that I waive all rights I have to require the Commissioner to prove the allegations contained in the Accusation filed in this matter at a hearing held in accordance with the provisions of the Administrative Procedure Act (Government Code Sections 11400 et seq.), and that I also waive other rights afforded to me in connection with the hearing such as the right to discovery, the right to present evidence in defense of the allegations in the Accusation and the right to cross-examine witnesses.

3. I further agree that upon acceptance by the Commissioner, as evidenced by an appropriate order, all affidavits and all relevant evidence obtained by the Department in this matter prior to the Commissioner's acceptance, and all allegations contained in the Accusation filed in the Department Case No. H-36333 LA, may be considered by the Department to be true and correct for the purpose of deciding whether to grant relicensure or reinstatement pursuant to Government Code Section 11522.

4. I freely and voluntarily surrender all my licenses and license rights under the Real Estate Law.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct and that this declaration was executed on OCTOBER 7TH, 2010, at LIMA - PERU (city/country).

CESAR A. VALDIVIA

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OCT 26 2010
DEPARTMENT OF REAL ESTATE
By

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of CESAR A. VALDIVIA and MARCO ANTONIO MUNOZ, Respondents.	No. H-36333 LA L-2010040085

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On October 29, 2009, an Accusation was filed in this matter against Respondent MARCO ANTONIO MUNOZ.

On October 12, 2010, Respondent petitioned the Commissioner to voluntarily surrender his real estate salesperson license pursuant to Section 10100.2 of the Business and Professions Code.

IT IS HEREBY ORDERED that Respondent MARCO ANTONIO MUNOZ' petition for voluntary surrender of his real estate salesperson license is accepted as of the effective date of this Order as set forth below, based upon the understanding and agreement expressed in Respondent's Declaration dated

October 12, 2010 (attached as Exhibit "A" hereto). Respondent's license certificate and pocket card shall be sent to the below listed address so that they reach the Department on or before the effective date of this Order:

Department of Real Estate
Attn: Licensing Flag Section
P.O. Box 187000
Sacramento, CA 95818-7000

This Order shall become effective at 12 o'clock noon on November 15, 2010.

DATED: 10/20, 2010.

JEFF DAVI
Real Estate Commissioner

Exhibit "A"

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of CESAR A. VALDIVIA and MARCO ANTONIO MUNOZ, Respondents.	No. H-36333 LA L-2010040085

DECLARATION

My name is MARCO ANTONIO MUNOZ, and I am currently licensed as a real estate salesperson and/or have license rights with respect to said license. I am representing myself in this matter.

In lieu of proceeding in this matter in accordance with the provisions of the Administrative Procedure Act (Sections 11400 et seq., of the Government Code), I wish to voluntarily surrender my real estate license issued by the Department of Real Estate ("Department"), pursuant to Business and Professions Code Section 10100.2.

I understand that by so voluntarily surrendering my license, I may be relicensed as a broker or as a salesperson only by petitioning for reinstatement pursuant to Section 11522 of the Government Code. I also understand that by so voluntarily surrendering my license, I agree to the following:

1. The filing of this Declaration shall be deemed as my petition for voluntary surrender.

2. It shall also be deemed to be an understanding and agreement by me that I waive all rights I have to require the Commissioner to prove the allegations contained in the Accusation filed in this matter at a hearing held in accordance with the provisions of the Administrative Procedure Act (Government Code Sections 11400 et seq.), and that I also waive other rights afforded to me in connection with the hearing such as the right to discovery, the right to present evidence in defense of the allegations in the Accusation and the right to cross-examine witnesses.

3. I further agree that upon acceptance by the Commissioner, as evidenced by an appropriate order, all affidavits and all relevant evidence obtained by the Department in this matter prior to the Commissioner's acceptance, and all allegations contained in the Accusation filed in the Department Case No. H-36333 LA, may be considered by the Department to be true and correct for the purpose of deciding whether to grant relicensure or reinstatement pursuant to Government Code Section 11522.

4. I freely and voluntarily surrender all my licenses and license rights under the Real Estate Law.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct and that this declaration was executed on October 12, 2010, at Anaheim, California.

MARCO ANTONIO MUNOZ

LISSETE GARCIA, Counsel (SBN 211552)
Department of Real Estate
320 West 4th Street, Suite 350
Los Angeles, California 90013-1105

Telephone: (213) 576-6982
(Direct) (213) 576-6914

FILED
OCT 29 2009
DEPARTMENT OF REAL ESTATE
By

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of CESAR A. VALDIVIA and MARCO ANTONIO MUNOZ, Respondents.	NO. H-36333 LA A C C U S A T I O N

The Complainant, Robin Trujillo, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against CESAR A. VALDIVIA and MARCO ANTONIO MUNOZ is informed and alleges as follows:

1.

The Complainant, Robin Trujillo, a Deputy Real Estate Commissioner of the State of California, makes this Accusation in her official capacity.

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Licensees

2.

At all times herein mentioned, Respondent CESAR A. VALDIVIA (Respondent "VALDIVIA") was and still is licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the California Business and Professions Code) ("Code") as a real estate salesperson. Respondent VALDIVIA was first licensed as a real estate salesperson on December 30, 2005. Respondent VALDIVIA's license is scheduled to expire on December 29, 2009. Respondent VALDIVIA has renewal rights under Code Section 10201. The Department of Real Estate ("Department") retains jurisdiction pursuant Code Section 10103.

3.

During the time of Respondent VALDIVIA's licensure as a real estate salesperson, he has performed activities requiring that he be employed by a real estate broker and that he be acting under the supervision and control of the real estate broker to whom he is licensed. From January 4, 2006 to the present time, California Home Center Group, Inc. has been listed as the employing broker for Respondent VALDIVIA. California Home Center Group, Inc.'s main office address is listed as 2030 W. Lincoln Avenue, Suite K, Anaheim, California 92801. VALDIVIA's acts set forth below were carried out without the supervision of his listed employing broker.

4.

At all times herein mentioned, Respondent MARCO ANTONIO MUNOZ (Respondent "MUNOZ") and still is licensed and/or has license rights under the Real Estate Law (Part 1 of Division

4 of the Code) as a real estate salesperson. Respondent MUNOZ was first licensed as a real estate salesperson on November 12, 2005. Respondent MUNOZ' license is scheduled to expire on November 11, 2009. Respondent MUNOZ has renewal rights under Code Section 10201. The Department retains jurisdiction pursuant Code Section 10103.

5.

During the time of Respondent MUNOZ' licensure as a real estate salesperson, he has performed activities requiring that he be employed by a real estate broker and that he be acting under the supervision and control of the real estate broker to whom he is licensed. From March 6, 2006 to June 19, 2008, California Home Center Group, Inc. was listed as the employing broker for Respondent MUNOZ. The Diaz Group, Inc. was listed as Respondent MUNOZ' employing broker from June 20, 2008 to June 29, 2009. One of the branch office addresses for The Diaz Group, Inc. is 1701 E. Lincoln Avenue, California 92805. MUNOZ' acts set forth below were carried out without the supervision of his listed employing broker.

Unlicensed Entities

6.

Cavaldi Management, Inc. ("CMI") is not now, and has never been, licensed by the Department in any capacity. CMI is a corporation incorporated under the laws of the State of Delaware. Respondent VALDIVIA is the Director and President of CMI.

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7.

American National Group ("ANG") is not now, and has never been, licensed by the Department in any capacity. ANG is a fictitious business name registered to CMI in Orange County, California.

Unlicensed Activity

8.

During the period of time set out below, ANG solicited borrowers and negotiated to do one or more of the following acts for another or others, for or in expectation of compensation: negotiate the purchase, sale or exchange of real property; 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.

9.

For an unknown period of time, beginning no later than April 2008, and continuing through May 18, 2009, Respondent VALDIVIA advertised short sale and loan modification services under one or more business names including, but not limited to, "ANG" in various print and electronic media, including a website located at **http://www.anghelp.com**. Those advertisements solicited borrowers offering short sale and loan modification services and listed ANG's contact information as 1701 E. Lincoln Avenue, Anaheim, California 92806, (714) 517-0425.

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Gabriel Leon-Garcia transaction

10.

On or about May 6, 2008, ANG solicited Gabriel Leon-Garcia in order to provide loan modification services for Gabriel Leon-Garcia's home.

11.

The office address for ANG known by Gabriel Leon-Garcia was 1020 S. Anaheim Blvd., Suite 311, Anaheim, California 92705, (714) 517-0425.

12.

In furtherance of ANG's plan and scheme to provide loan modification services to Gabriel Leon-Garcia, Oscar Cortes, an unlicensed individual, requested an advance fee of $3,500 from Gabriel Leon-Garcia. On or about May 9, 2008, Gabriel Leon-Garcia delivered a check to ANG for $1,700 in reliance on the representations made by ANG's representatives, Respondent MUNOZ, and unlicensed individuals, Oscar Cortes and Eddie Faycon.

13.

Upon Gabriel Leon-Garcia's delivery of the afore-mentioned check for $1,700, he was told a loan modification would be completed in six to eight weeks which would lower his interest rate and the monthly payment of his mortgage.

14.

Over the course of several weeks, Gabriel Leon-Garcia made repeated telephone calls to ANG requesting an update on the status of his loan modification. He was repeatedly told by ANG's representatives that his loan modification was being

processed and that someone would be in touch with him shortly. Thereafter, Mr. Leon-Garcia directly contacted his mortgage lender to inquire about his loan modification. Mr. Leon-Garcia's mortgage lender informed him that the only communication they had received from ANG had been the receipt of an authorization for the lender to speak with ANG on Mr. Leon-Garcia's behalf. Since receipt of that authorization, the lender had not been contacted by anyone from ANG regarding modification of Mr. Leon-Garcia's loan. Based on that information, Mr. Leon-Garcia then cancelled a second check for $1,800, which he had delivered to ANG due to ANG's misrepresentations and failure to perform the loan modification services that had been promised.

15.

Based on the conduct, acts, and/or omissions as set forth in Paragraphs 8 through 14 above, Respondent VALDIVIA, acting by himself, or by and/or through one or more agents, representatives, associates, and/or co-conspirators, including, but not limited to, Respondent MUNOZ, and unlicensed individuals, Oscar Cortes and Eddie Faycon, while using the names "Cavaldi Management, Inc.," "ANG," or other names or fictitious names unknown at this time, solicited borrowers and performed 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, and charged, demanded or collected advance fees for the services to be provided, which acts require a real estate broker license under Sections 10131(d) and 10131.2 of the Code, during a period of

time when Respondents VALDIVIA and MUNOZ were not licensed by the Department as real estate brokers, in violation of Section 10130 of the Code.

16.

In relation to the Gabriel Leon-Garcia transaction set forth in Paragraphs 10 through 14 above, Respondent VALDIVIA, while using the fictitious business name "ANG," utilized employees and/or representatives in soliciting and negotiating loans who were not licensed by the Department as real estate brokers or salespersons. Among the unlicensed representatives performing activities requiring a real estate license were Oscar Cortes and Eddie Faycon.

17.

The conduct, acts and/or omissions of Respondent VALDIVIA, as set forth in Paragraphs 8 through 15 above, in employing or compensating representatives for performing activities requiring a real estate license constitutes grounds to discipline the licenses and/or license rights of Respondent VALDIVIA pursuant to Code Sections 10177(g) and 10177(j).

18.

The conduct, acts and/or omissions of Respondents VALDIVIA and MUNOZ, as set forth in Paragraphs 3, 5, and 8 through 15 above, in being employed or accepting compensation for performing any acts requiring a real estate license from any person other than the broker under whom they were licensed at the time, constitutes grounds to discipline the licenses and/or license rights of Respondents VALDIVIA and MUNOZ pursuant to Code Section 10137.

19.

The conduct, acts and/or omissions of Respondents VALDIVIA and MUNOZ, as set forth in Paragraphs 8 through 15 above, are in violation of Code Section 10130, within the meaning of Code Sections 10131(d) and 10131.2, and constitutes grounds to discipline the licenses and license rights of Respondents VALDIVIA and MUNOZ pursuant to 10177(d), 10177(j), and/or 10177(g).

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/or license rights of Respondents CESAR A. VALDIVIA and MARCO ANTONIO MUNOZ 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.

Dated at Los Angeles, California
this 27 day of October, 2009.

ROBIN TRUJILLO
Deputy Real Estate Commissioner

cc: Cesar A. Valdivia
Marco Antonio Munoz
California Home Center Group, Inc.
Citizens Direct
Robin Trujillo
Phillip Ihde
Sacto.