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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: CESAR A. VALDIVIA, doing business as Cavaldi Management, Inc. and American National Group ("ANG"), or any other fictitious names used by Cesar A. Valdivia; MARCO ANTONIO MUNOZ; OSCAR CORTES; and EDDIE FAYCON.	NO. H- 36367 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 CESAR A. VALDIVIA ("VALDIVIA"), doing business as Cavaldi Management, Inc. ("CMI"), American National Group ("ANG"); MARCO ANTONIO MUNOZ ("MUNOZ"); OSCAR CORTES ("CORTES"); and EDDIE FAYCON ("FAYCON"). Based on that investigation, the Commissioner has determined that VALDIVIA, doing business as CMI and ANG, MUNOZ, CORTES, and FAYCON, 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, a real estate broker in the State of California within the meaning of Section 10131(d) (performing services for borrowers in connection with loans secured by real property) and Section 10131.2 (advance fee handling) 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.

Whenever acts referred to below are attributed to ANG, those acts are alleged to have been done by VALDIVIA, acting by himself, or by and/or through one or more agents; associates, affiliates, and/or co-conspirators, including, but not limited to MUNOZ, CORTES, and FAYCON, and using the names "Cavaldi Management, Inc.," "American National Group," "ANG," or other names or fictitious names unknown at this time.

FINDINGS OF FACT

1. VALDIVIA has been licensed by the Department as a real estate salesperson since December 30, 2005, and his license expires on December 29, 2009.

2. 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.

3. VALDIVIA is the Director and President of CMI.

4. 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.

5. MUNOZ has been licensed by the Department as a real estate salesperson since November 12, 2005, and his license expires on November 11, 2009.

6. CORTES is not now, and has never been, licensed by the Department in any capacity.

7. FAYCON is not now, and has never been, licensed by the Department in any capacity.

8. During the period of time set forth 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, 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 loan modification services listing ANG's contact information as 1701 E. Lincoln Avenue, Anaheim, California 92806, (714) 517-0425.

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, CORTES requested an advance fee of $3,500 from Gabriel Leon-Garcia. In reliance on representations made by ANG's representatives including CORTES, MUNOZ, and FAYCON, Gabriel Leon-Garcia delivered a check to ANG for $1,700 on or about May 9, 2008.

13. Upon Gabriel Leon-Garcia's delivery the aforementioned 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.

CONCLUSIONS OF LAW

15. Based on the findings of fact contained in paragraphs 1 through 14, VALDIVIA, acting by himself, or by and/or through one or more agents, associates, representatives, and/or co-conspirators, including, but not limited to MUNOZ, CORTES, and FAYCON, and using the names "Cavaldi Management, Inc." and/or "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 VALDIVIA, CMI, ANG, MUNOZ, CORTES, and FAYCON were not licensed by the Department as real estate brokers, in violation of Section 10130 of the Code.

DESIST AND REFRAIN ORDER

Based upon the FINDINGS OF FACT AND CONCLUSIONS OF LAW stated herein, it is ordered that you, CESAR A. VALDIVIA, doing business as Cavaldi Management, Inc. and American National Group ("ANG"), MARCO ANTONIO MUNOZ, OSCAR CORTES, and EDDIE FAYCON whether doing business under their own names, or any other fictitious names, ARE HEREBY ORDERED to immediately desist and refrain from performing any acts within the State of California for which a real estate broker license is required. In particular each of them is ORDERED TO DESIST AND REFRAIN from:

1. 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).

2. charging, demanding, claiming, collecting and/or receiving advance fees, as that term is defined in Section 10026 of the Code, for any other real estate related services offered by you to others, unless and until you demonstrate and provide evidence satisfactory to the Commissioner that you are properly licensed by the Department as a real estate broker, and that:

(1) you have an advance fee agreement which has been submitted to the Department and which is in compliance with Section 10085 of the Code and Section 2970 of the Regulations;

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

(3) you have provided an accounting to trust fund owner-beneficiaries pursuant to Section 2972 of the Regulations.

DATED: 11-17, 2009

JEFF DAVI
Real Estate Commissioner

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)."

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cc: Cesar A. Valdivia
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