Department of Real Estate
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FILED

DEC - 7 2009

DEPARTMENT OF REAL ESTATE
BY: _____

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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To:	No. H-36374 LA
MARLON ALEXANDER ALFARO; and DANDI, INC.	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 MARLON ALEXANDER ALFARO ("ALFARO") and DANDI, INC. ("DANDI") and has determined that ALFARO and DANDI have engaged in or are engaging in acts or practices constituting violations of the California Business and Professions Code ("Code") and/or Title 10, California Code of Regulations ("Regulations") including engaging in the business of, acting in the capacity of, advertising, or assuming to act, as real estate broker in the State of California within the meaning of Section 10131(d) (soliciting borrowers or lenders or

negotiating loans) and Section 10131.2 (claiming advance fees in connection with a loan). Based on the findings of that investigation, as set forth below, the Commissioner hereby issues the following Findings of Fact and Desist and Refrain Order pursuant to Section 10086 of the Code.

FINDINGS OF FACT

1. ALFARO is presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the Code) as a real estate salesperson.

2. At no time herein mentioned has DANDI been licensed by the Department in any capacity.

3. At the time set forth below ALFARO and DANDI engaged in the business of, acted in the capacity of, or advertised a loan modification service and advance fee brokerage offering to perform and performing loan modification services with respect to loans which were secured by liens on real property for compensation or in expectation of compensation and for fees often collected in advance as well as at the conclusion of the transaction.

a. In or around January, 2009, ALFARO and DANDI published or caused to be published an advertisement offering to perform loan modification services with respect to loans secured by liens on real property for compensation. The advertisement was mailed to recipients by use of the United States Postal Service.

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b. On or about January 30, 2009, Noe Armando Cristerna paid an advance fee of $200 to ALFARO and DANDI. The advance fee was collected pursuant to the provisions of a written agreement pertaining to loan modification services to be provided with respect to a loan secured by the real property located at 563 N. Maple Avenue, Fontana, California 92336.

c. On or about March 30, 2009, Cecilia Corrales paid an advance fee of $750 to ALFARO and DANDI. The advance fee was collected pursuant to the provisions of a written agreement pertaining to loan modification services to be provided with respect to a loan secured by the real property located at 7932 Summerlin Place, Rancho Cucamonga, California 91730.

CONCLUSIONS OF LAW

4. Based on the information contained in Paragraph 3, above, ALFARO performed and/or participated in loan solicitation, negotiation and modification activities which require a real estate broker license under the provisions of Code Sections 10131(d) and 10131.2 during a period of time when ALFARO was not licensed by the Department as a real estate broker nor employed as a real estate salesperson by the broker on whose behalf the activities were performed in violation of Section 10130 of the Code.

5. Based on the information contained in Paragraph 3, above, DANDI performed and/or participated in loan solicitation, negotiation, and modification activities and advance fee handling which require a broker license under the

provision of Code Sections 10131(d) and 10131.2 during a period of time when it was not licensed by the Department as a real estate broker, in violation of Code Section 10130.

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DESIST AND REFRAIN ORDER

Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW stated herein, it is hereby ordered that MARLON ALEXANDER ALFARO and DANDI, INC., whether doing business under their own names, or any other names, or any fictitious name, 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); and

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 them to others.

DATED: 11-24, 2009.

JEFF DAVI
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: Marlon Alexander Alfaro
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