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:	
SERGIO MARTINEZ.	NO. H-36757 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 SERGIO MARTINEZ. Based on that investigation, the Commissioner has determined that SERGIO MARTINEZ, 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 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.

FINDINGS OF FACT

1. SERGIO MARTINEZ has been licensed by the Department as a real estate salesperson since January 17, 2007. From March 3, 2008, through March 8, 2009, SERGIO MARTINEZ was licensed as a real estate salesperson under the employ of Sun Gold Coast, Inc. doing business as Century 21Professionals.

2. For an unknown period of time beginning in or around June, 2008, and continuing through January 31, 2009, SERGIO MARTINEZ 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.

3. On or about August 28, 2008, J. Gonzalez ("Gonzalez") paid an advance fee of $500 to SERGIO MARTINEZ. The advance fee was collected for loan negotiation and modification services to be provided by SERGIO MARTINEZ with respect to a loan secured by the real property located in the city of Hawthorne, California. Thereafter, Gonzalez paid additional advance fees to SERGIO MARTINEZ in the amount of $700 and $750.

4. On or about December 15, 2008, Gonzalez paid an advance fee $2,267 to SERGIO MARTINEZ. The advance fee was collected for loan negotiation and modification services to be provided by SERGIO MARTINEZ with respect to a loan secured by the real property located in the city of Lomita, California.

CONCLUSIONS OF LAW

5. Based on the findings of fact contained in paragraphs 1 through 4, SERGIO MARTINEZ, 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 SERGIO MARTINEZ was not licensed by the Department as a real estate broker, 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 SERGIO MARTINEZ whether doing business under his own name, or any other fictitious name(s), IS 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, SERGIO MARTINEZ 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: 7/21, 2010.

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)."

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and

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