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Department of Real Estate
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FILED
AUG 16 2010
DEPARTMENT OF REAL ESTATE
By

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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To: ARTHUR NELSON LUCULESCU.	No. H-36766 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 ARTHUR NELSON LUCULESCU and has determined that he engaged in or is engaging in acts or practices constituting a violation of the California Business and Professions Code ("Code") Section 10130 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 (advance fee handling). 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. ARTHUR NELSON LUCULESCU ("LUCULESCU") was licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code) ("Code") as a real estate salesperson by the Department of Real Estate

("Department") on or about January 11, 2002.

2. From March 2, 2009, through May 10, 2009, LUCULESCU was licensed as a real estate salesperson under the employ and supervision of real estate corporation Lion Home Financial. LUCULESCU is not now and has never been licensed by the Department as a real estate broker.

3. At all times mentioned herein, LUCULESCU engaged in the business of, acted in the capacity of, advertised or assumed to act as a real estate broker, within the meaning of Code Sections 10131(d) and 10131.2, for or in expectation of compensation. LUCULESCU solicited and offered to perform services for borrowers including, but not limited to, modifying and negotiating loans secured by liens on real property, and collected advance fees within the meaning of Code Sections 10026 and 10131.2.

4. On or about March 05, 2009, LUCULESCU solicited M. West ("West") and offered to perform loan modification services for borrower West including the negotiation of loans secured directly by liens on real property located in the city of Compton, California. LUCULESCU charged West $2,500 for the loan negotiation and modification services. On March 7, 2009, West paid LUCULESCU an advance fee of $1,500. LUCULESCU failed to perform the services promised or to obtain a loan for West on more favorable terms.

CONCLUSIONS OF LAW

5. The activities described in Paragraph 4, above, require a real estate license under Code Sections 10131(d) and 10131.2.

6. Based on the information contained in Paragraphs 1 through 4, above, LUCULESCU 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 he was neither 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 Code Section 10130.

DESIST AND REFRAIN ORDER

Based on the Findings of Fact and Conclusions of Law stated herein:

1. IT IS HEREBY ORDERED that ARTHUR NELSON LUCULESCU, whether doing business under his own name, or any other fictitious name(s):

(i) immediately desist and refrain from performing any acts within the State of California for which a real estate broker license is required. In particular, he is ORDERED TO DESIST AND REFRAIN from:

(i) charging, demanding, claiming, collecting and/or receiving advance fees, as that term is defined in Code Section 10026, 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

(ii) charging, demanding, claiming, collecting and/or receiving advance fees, as that term is defined in Code Section 10026, for any other real estate related services offered by them to others.

DATED: 8-11, 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)."

cc: Arthur Nelson Luculescu
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