Department of Real Estate
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FILED
AUG 18 2011
DEPARTMENT OF REAL ESTATE
By

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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To:	No. H-37451 LA
C J FINANCIAL & CONSULTING, INC.; JOSH CULPEPPER, individually and as designated officer of C J Financial & Consulting, Inc.; CHRISTOPHER ANTHONY ZARBO; and JODI TYRCHA GONZALEZ.	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 C J FINANCIAL & CONSULTING, INC. ("CJFC"); JOSH CULPEPPER ("CULPEPPER"), individually and as designated officer of C J Financial & Consulting, Inc.; CHRISTOPHER ANTHONY ZARBO ("ZARBO"); and JODI TRYCHA GONZALEZ ("GONZALEZ") and has determined that each of them engaged in or is 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 brokers in the State of California within the meaning of Code Section 10131(d) (soliciting borrowers or lenders or negotiating loans) and Code 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 Code Section 10086.

FINDINGS OF FACT

1. From April 29, 2009, through the present, CJFC was licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the Code) as a corporate real estate broker. At all times relevant herein, CJFC was not licensed to do business under any other fictitious business name.

2. From April 17, 2007, through the present, CULPEPPER has been licensed and/or has license rights under the Real Estate Law as a real estate broker. From April 27, 2009, through the present, CULPEPPER, as the officer designated by CJFC pursuant to Code Section 10211, was responsible for the supervision and control of the activities conducted on behalf of CJFC by its officers and employees as necessary to secure full compliance with the Real Estate Law as set forth in Code Section 10159.2.

3. ZARBO is presently licensed and/or has license rights under the Real Estate Law as real estate salesperson. From April 25, 2006, through August 15, 2006, ZARBO was licensed under the employ of First Capital Financial Resources, Inc. From May 9, 2007 through December 5, 2007, ZARBO was licensed under the employ of Synergy Mortgage Solutions, Inc. From December 10, 2007, through October 9, 2008, ZARBO was licensed under the employ of Mazlat, Inc. From June 26, 2009, through October 8, 2009, ZARBO was licensed under the employ of Omni-Fund, Inc. ZARBO was not licensed under the employ of any broker between October 9, 2009 and March 1, 2010. From March 1, 2010, through the present, ZARBO has been licensed under the employ of Omni-Fund, Inc.

4. At no time herein mentioned has GONZALEZ been licensed by the Department in any capacity.

5. Whenever acts referred to below are attributed to CJFC, CULPEPPER, ZARBO and GONZALEZ, those acts are alleged to have been done by CJFC, CULPEPPER, ZARBO and GONZALEZ acting by themselves, or by and/or through one or more agents,

associates, affiliates, and/or co-conspirators including, but not limited to, each of those named herein, and using the names CJ Financial & Consulting, LLC, ZG Consulting, Inc., First Premier Capital, First Premier Capital LLC, First Premier Capital Lending, FMX Consulting, Inc., Saveyourhomeca.com, FinancetoOwn.net, National Housing Counselors, Certified Protection Group of America, Certified Financial Protection Group, or any other fictitious name unknown at this time.

6. At all times mentioned herein, in the State of California, CJFC, CULPEPPER, ZARBO and GONZALEZ, while doing business as CJ Financial & Consulting, LLC, ZG Consulting, Inc., First Premier Capital, First Premier Capital LLC, First Premier Capital Lending, FMX Consulting, Inc., Saveyourhomeca.com, FinancetoOwn.net, National Housing Counselors, Certified Protection Group of America, Certified Financial Protection Group and/or any other fictitious business names not known at this time, engaged in the business of soliciting borrowers to negotiate loans on real estate, claiming, demanding, charging, receiving, collecting or contracting for the collection of advance fees, within the meaning of Code Section 10026 including, but not limited to, the following loan activities with respect to loans which were secured by liens on real property:

	Transaction Date	**Borrower**	**Amount Collected**
1	01/06/2008	Jorge & Justina R.	$1,000
2	07/30/2008	Glenda W.	$1,500
3	09/11/2008	Marvin Randall A.	$3,000
4	09/11/2008	Romelia H.	$1,500
5	09/16/2008	Victor M. P.	$3,000
6	09/18/2008	Christie Z.	$1,500
7	09/22/2008	Paul & Linda R.	$1,500

8	10/04/2008	Palicarpia R.	$3,000
9	10/07/2008	Alicia G. & Gabriel R.	$6,000
10	10/08/2008	Jessica & David V.	$1,500
11	10/08/2008	Teresa Z.	$1,500
12	10/10/2008	Marisol S.	$1,500
13	10/14/2008	Lazaro R. A.	$3,000
14	10/18/2008	Martha B.	$1,500
15	10/27/2008	Alexander W.	$1,500
16	10/28/2008	Josefina G.-M.	$1,500
17	10/30/2008	Oscar C.	$1,500
18	10/31/2008	Maria Lourdes G.	$3,000
19	11/02/2008	James C. Z.	$4,500
20	11/06/2008	Guillermo G.	$1,500
21	11/12/2008	Antonio C.	$1,500
22	11/14/2008	Silvia M.	$1,500
23	11/18/2009	Victor & Irma V.	$3,000
24	11/28/2008	Oscar B.	$1,500
25	12/04/2008	Isabel R.	$1,500
26	12/05/2008	Andrew G.	$1,500
27	12/05/2008	Valerie B.	$900
28	12/05/2008	Cesar & Noelia P.	$1,500
29	12/09/2008	Tina S.	$1,500
30	12/15/2008	Humberto N.	$3,000

31	12/31/2008	Oscar L. M.	$6,000
32	01/13/2009	Jorge & Justina R.	$1,000
33	01/26/2009	Armando & Maria H.	$2,500
34	01/27/2009	Evel Zepeda V.	$2,000
35	01/30/2009	Jose V.	$6,000
36	02/02/2009	Farkhanda & Sidiq A.	$4,500
37	02/12/2009	Victor & Claudia V.	$2,000
38	02/26/2009	Josephina & Cristino Q.	$2,000
39	03/01/2009	Julia R.	$2,000
40	03/06/2009	Fernie & Dora M.	$4,000
41	03/10/2009	Steven S. & Barbara C.	$2,000
42	03/26/2009	Luz & Santos M.	$2,500
43	03/29/2009	Keith A.	$2,000

7. CJFC, CULPEPPER, ZARBO and GONZALEZ collected the advance fees described in Paragraph 6, above, pursuant to the provisions of an agreement pertaining to loan solicitation, negotiation, and modification services with respect to a loan secured by the real property which constitutes an advance fee agreement within the meaning of Code Section 10085. CJFC, CULPEPPER, ZARBO and GONZALEZ made misrepresentations and false promises, such as promising to refund any unearned fees to borrowers, in order to induce the borrowers to enter into advance fee agreements.

8. CJFC, ZARBO and GONZALEZ were not licensed as real estate brokers at the time that they engaged in the activities described in Paragraphs 6 and 7, above.

9. On or about May 11, 2009, the Department received separate advance fee agreements with verified accounting formats from CJFC and CULPEPPER. On May 23, 2009, the Department sent a no-objection letter to CJFC and to CULPEPPER deeming the advance fee

agreements and verified accounting formats received on or about May 11, 2009, compliant. CJFC and CULPEPPER failed to submit the written agreements and all materials used in soliciting prospective borrowers referred to in Paragraph 6, above, to the Commissioner ten days before using it, in violation of Code Section 10085 and Regulation 2970.

CONCLUSIONS OF LAW

10. The activities described in Paragraphs 6 and 7, above, require a real estate license under Code Sections 10131(d) and 10131.2.

11. Based on the information contained in Paragraphs 1 through 8, above, CJFC, ZARBO and GONZALEZ 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 none of them was 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.

12. Based on the information contained in Paragraphs 6 through 9, above, CJFC CULPEPPER, ZARBO and GONZALEZ collected fees pursuant to an agreement which constitutes an advance fee agreement within the meaning of Code Section 10085.

13. Based on the information contained in Paragraphs 6 through 9, above, the failure by CJFC and CULPEPPER to submit the advance fee agreement and advertising to the Commissioner ten days before using it constitutes a violation of Code Section 10085 and Section 2970 of the Regulations.

DESIST AND REFRAIN ORDER

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

1. IT IS HEREBY ORDERED that CHRISTOPHER ANTHONY ZARBO, and JODI TYRCHA GONZALEZ, 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:

(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.

2. IT IS HEREBY ORDERED that C J FINANCIAL & CONSULTING, INC. and JOSH CULPEPPER, individually and as designated officer of C J Financial & Consulting, Inc., whether doing business under their own names, or any other fictitious name(s):

(i) immediately desist and refrain from 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 modification or any other form of mortgage loan forbearance services in connection with loans on residential property containing four or fewer dwelling units (Code Section 10085.6).

(ii) immediately desist and refrain from charging, demanding, claiming, collecting and/or receiving advance fees, as that term is defined in Code Section 10026, for any of the other real estate related services offered to others, unless and until C J FINANCIAL & CONSULTING, INC. and JOSH CULPEPPER, and each of them, demonstrate and provide evidence satisfactory to the Commissioner that each:

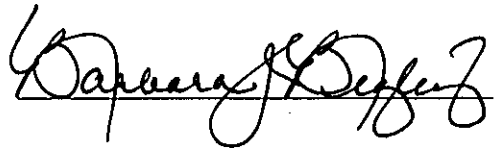
(a) has an advance fee agreement which has been submitted to the Department and which is in compliance with Code Section 10085 and Section 2970 of the Regulations;

(b) has placed all previously collected advance fees into a trust account for that purpose and is in compliance with Code Section 10146; and

(c) has provided an accounting to trust fund owner-beneficiaries from whom advance fees have previously been collected in compliance with Code Section 10146 and Section 2972 of the Regulations.

DATED: 7/28, 2011.

BARBARA J. BIGBY
Acting 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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