FILED

APR 17 2013

DEPARTMENT OF REAL ESTATE
BY: _____

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of	)	
	)	No. H-38577 LA
OMAR SANDOVAL,	)	
	)	
Respondent.	)	
	)	

DEFAULT DECISION

This Decision is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on March 20, 2013, and the findings of fact set forth herein are based on one or more of the following: (1) Respondent's express admissions; (2) affidavits; and (3) other evidence.

FINDINGS OF FACT

1. On or about November 21, 2012, Veronica Kilpatrick made the Accusation in her official capacity as a Deputy Real Estate Commissioner of the State of California.

a) On November 30, 3012, the Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified mail, return receipt requested, to Respondent OMAR SANDOVAL ("Respondent") at his last known mailing addresses on file with the Department of Real Estate ("Department") at 7412 Lawrence Place, Fontana, CA 92336. The Department received the green receipt indicating that the mailing was signed for on December 3, 2012.

b) No Notice of Defense has been received from Respondent. Respondent's Default was entered on March 20, 2013.

2. Respondent OMAR SANDOVAL is licensed by Department as a real estate salesperson. Respondent was originally licensed by the Department on October 18, 2007. Respondent has never been licensed by the Department as a real estate broker.

3. Respondent is, and at all times relevant herein was, licensed to conduct real estate activities as a salesperson under the employment of Colonial Realty Group Inc. as his supervising broker of record.

4. Beginning on or before December 1, 2009, and continuing through on or about October 13, 2011, Respondent engaged in the business of, acted in the capacity of, advertised or assumed to act as a real estate broker in the State of California within the meaning of Business and Professions Code ("Code") Sections 10131(d) and 10131.2. His activities included soliciting borrowers or lenders for and/or negotiating loans, collecting payments and/or performing services for borrowers or lenders in connection with loans secured by liens on real property. His activities also included claiming, demanding, charging, receiving, collecting or contracting for the collection of advance fees within the meaning of Code Sections 10026 and 10085.

Hector and Deifilia A.

5. On or about October 30, 2010, Respondent entered into a loan modification agreement with homeowners Hector and Deifilia A. ("Homeowners"). Respondent promised to assist the Homeowners in negotiating with their lender to try to obtain a modification of the terms of their home loan in exchange for upfront payment of a fee of $3,500.00.

6. The Homeowners paid Respondent $3,500.00 in three payments between October 30, 2010 and January 3, 2011. At the time, the Homeowners were current on their mortgage payments to their lender. Respondent advised them to stop making payments, and promised to negotiate further with the lender. However, Respondent did not in fact assist the Homeowners in obtaining a loan modification, and stopped communicating with them. Eventually, Respondent moved out of the location and address the Homeowners had for him, so they were not able to contact him at all. Respondent did not provide any services and did not return any portion of the Homeowners' fees to them.

7. At the time that Respondent solicited and collected advance fees from Hector and Deifilia A., he was not acting with the knowledge, authority or supervision of Colonial Realty Inc. or its designated broker-officer Kenneth Moore McFarland. Respondent's supervising broker was not aware of the loan modification transactions he was engaging in. Respondent was paid directly by Hector and Deifilia A.

8. At the time that Respondent solicited and collected advance fees from Hector and Deifilia A., it was unlawful under California law for anyone to collect advance fees for loan modification services.

Jose G.

9. On or about December 8, 2009, Respondent, using the business name Coast 2 Coast Financial LLC, entered into a loan modification agreement with Jose G. Pursuant to the agreement, Respondent agreed to provide loan modification services to Jose G. in exchange for payment of an upfront advance fee of $4,500.00.

10. On or about December 8, 2009, Respondent collected an advance fee of $4,500.00 from Jose G. for loan modification services.

11. Respondent never provided Jose G. with loan modification services.

12. At the time that Respondent solicited and collected advance fees from Jose G., he was not acting with the knowledge, authority or supervision of his supervising broker Colonial Realty Inc. or its designated broker-officer Kenneth Moore McFarland. Respondent's supervising broker was not aware of the loan modification transactions he was engaging in. Respondent was paid directly by Jose G.

13. At the time that Respondent solicited and collected advance fees from Jose G., it was unlawful under California law for anyone to collect advance fees for loan modification services.

LEGAL CONCLUSIONS

1. Respondent's conduct in soliciting and collecting advance fees for loan modification services, and conducting activities requiring a real estate broker license when he was not licensed as a broker and was acting without the knowledge, authority or supervision of his employing broker of record, constitutes grounds to revoke or suspend Respondent's real estate license and license rights pursuant to Code Sections 10130, 10177(d), and 10177(j).

2. Respondent's conduct in soliciting and collecting advance fees for loan modification services after October 30, 2009, constitutes grounds to revoke or suspend Respondent's real estate license and license rights pursuant to Code Sections 10085 and 10085.5.

3. Respondent's conduct in accepting compensation for activities requiring a real estate broker license from someone other than his employing broker of record and without his employing broker's knowledge, authority or supervision, constitutes grounds to revoke or suspend Respondent's real estate license and license rights pursuant to Code Sections 10137, 10177(d), and 10177(j).

4. Respondent's conduct in representing to homeowners that he would perform loan modification services for them, accepting compensation from them in advance, and failing to perform any services or refund the homeowners' money constitutes dishonest dealing and is grounds to revoke or suspend Respondent's real estate license and license rights pursuant to Code Section 10177(j).

ORDER

All licenses and license rights of Respondent OMAR SANDOVAL under the provisions of Part I of Division 4 of the Business and Professions Code are revoked.

This Decision shall become effective at 12 o'clock noon on May 7, 2013.

DATED: April 15, 2013.

REAL ESTATE COMMISSIONER

By: JEFFREY MASON
Chief Deputy Commissioner

Department of Real Estate
320 West Fourth Street, Suite 350
Los Angeles, California 90013-1105

FILED
MAR 20 2013
DEPARTMENT OF REAL ESTATE
BY: Ca

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of OMAR SANDOVAL, Respondent.	NO. H-38577 LA DEFAULT ORDER

Respondent, OMAR SANDOVAL, having failed to file a Notice of Defense within the time required by Section 11506 of the Government Code, is now in default. It is, therefore, ordered that a default be entered on the record in this matter.

IT IS SO ORDERED March 20, 2013.

Real Estate Commissioner

Dolores Weeks

By: DOLORES WEEKS
Regional Manager

MARTHA J. ROSETT, Counsel (SBN 142072)
Department of Real Estate
320 West Fourth St. #350
Los Angeles, CA 90013

(213) 576-6982
(213) 620-6430

FILED

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DEPARTMENT OF REAL ESTATE
BY: _____

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of	)	No. H-38577 LA
	)	
OMAR SANDOVAL,	)	ACCUSATION
	)	
Respondent.	)	

The Complainant, Veronica Kilpatrick, a Deputy Real Estate Commissioner, for cause of Accusation against OMAR SANDOVAL, is informed and alleges as follows:

1. The Complainant, Veronica Kilpatrick, a Deputy Real Estate Commissioner of the State of California, makes this Accusation in her official capacity.

2. OMAR SANDOVAL ("SANDOVAL") is licensed by Department of Real Estate ("Department") as a real estate salesperson. SANDOVAL was originally licensed by the Department on October 18, 2007. SANDOVAL has never been licensed by the Department as a real estate broker.

3. At all times relevant herein SANDOVAL was licensed to conduct real estate activities as a salesperson under the employment of Colonial Realty Group Inc. as his supervising broker of record.

4. Beginning on or before December 1, 2009, and continuing through on or about October 13, 2011, SANDOVAL engaged in the business of, acted in the capacity of, advertised or assumed to act as a real estate broker in the State of California within the meaning of Business and Professions Code ("Code") Sections 10131(d) and 10131.2. His activities included soliciting borrowers or lenders for and/or negotiating loans, collecting payments and/or performing services for borrowers or lenders in connection with loans secured by liens on real property. His activities also included claiming, demanding, charging, receiving, collecting or contracting for the collection of advance fees within the meaning of Code Sections 10026 and 10085.

Hector and Deifilia A.

5. On or about October 30, 2010, Respondent SANDOVAL entered into a loan modification agreement with homeowners Hector and Deifilia A. ("Homeowners"). SANDOVAL promised to assist the Homeowners in negotiating with their lender to try to obtain a modification of the terms of their home loan in exchange for upfront payment of a fee of $3,500.00.

6. The Homeowners paid SANDOVAL $3,500.0 in three payments between October 30, 2010 and January 3, 2011. At the time, the Homeowners were current on their mortgage payments to their lender. SANDOVAL advised them to stop making payments, and promised to negotiate further with the lender. However, SANDOVAL did not in fact assist the Homeowners in obtaining a loan modification, and stopped communicating with them. Eventually, SANDOVAL moved out of the location and address the Homeowners had for him, so they were not able to contact him at all. SANDOVAL provided no services and did not return any portion of the Homeowners' fees to them.

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7. At the time that SANDOVAL solicited and collected advance fees from Hector and Deifilia A., he was not acting with the knowledge, authority or supervision of Colonial Realty Inc. or its designated broker-officer Kenneth Moore McFarland. SANDOVAL's supervising broker was not aware of the loan modification transactions he was engaging in. SANDOVAL was paid directly by Hector and Deifilia A.

8. At the time that SANDOVAL solicited and collected advance fees from Hector and Deifilia A., it was unlawful under California law for anyone to collect advance fees for loan modification services.

Jose G.

9. On or about December 8, 2009, SANDOVAL, using the business name Coast 2 Coast Financial LLC, entered into a loan modification agreement with Jose G. Pursuant to the agreement, SANDOVAL agreed to provide loan modification services to Jose G. in exchange for payment of an upfront advance fee of $4,500.00.

10. On or about December 8, 2009, SANDOVAL collected an advance fee of $4,500.00from Jose G. for loan modification services.

11. SANDOVAL never provided Jose G. with loan modification services.

12. At the time that SANDOVAL solicited and collected advance fees from Jose G., he was not acting with the knowledge, authority or supervision of his supervising broker Colonial Realty Inc. or its designated broker-officer Kenneth Moore McFarland. SANDOVAL's supervising broker was not aware of the loan modification transactions he was engaging in. SANDOVAL was paid directly by Jose G.

13. At the time that SANDOVAL solicited and collected advance fees from Jose G., it was unlawful under California law for anyone to collect advance fees for loan modification

services.

Grounds for discipline

14. Respondent SANDOVAL's conduct in soliciting and collecting advance fees for loan modification services, and conducting activities requiring a real estate broker license when he was not licensed as a broker and was acting without the knowledge, authority or supervision of his employing broker of record constitutes grounds to revoke or suspend SANDOVAL's real estate license and license rights pursuant to Code Sections 10130, 10177(d), 10176(i) and/or 10177(j).

15. Respondent SANDOVAL's conduct in soliciting and collecting advance fees ers for loan modification services after October 30, 2009 constitutes grounds to revoke or suspend SANDOVAL's real estate license and license rights pursuant to Code Sections 10085 and 10085.5.

16. Respondent SANDOVAL's conduct in accepting compensation for activities requiring a real estate broker license from someone other than his employing broker of record and without his employing broker's knowledge, authority or supervision constitutes grounds to revoke or suspend SANDOVAL's real estate license and license rights pursuant to Code Sections 10137, 10177(d), 10176(i) and/or 10177(j).

17. Respondent SANDOVAL's conduct in representing to homeowners that he would perform loan modification services for them, accepting compensation from them in advance, and failing to perform any services or refund the homeowner's money constitutes dishonest dealing and is grounds to revoke or suspend SANDOVAL's real estate license and license rights pursuant to Code Section 10177(j).

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Business and Professions Code Section 10106 provides, in pertinent part, that in any order issued in resolution of a disciplinary proceeding before the Department, the Commissioner may request the Administrative Law Judge to direct a licensee found to have committed a violation of this part to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against all licenses and/or license rights of Respondent OMAR SANDOVAL under the Real Estate Law, for the cost of investigation and enforcement as permitted by law, and for such other and further relief as may be proper under other applicable provisions of law.

Dated at Los Angeles, California

this 21 day of November, 2012.

V. Kilpatrick

Veronica Kilpatrick
Deputy Real Estate Commissioner

cc: Omar Sandoval
Colonial Realty Group Inc.
Veronica Kilpatrick
Sacto.