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FILED

SEP 23 2009

DEPARTMENT OF REAL ESTATE

By K. Contreras

8 STATE OF CALIFORNIA
9 DEPARTMENT OF REAL ESTATE

11 * * *

12 To:)
13) NO. H- 2421 FR
14 CHRISTOPHER J. HIRSCH, and)
15 CREDIT SOLUTIONS OF NORTHERN) ORDER TO DESIST AND REFRAIN
16 CALIFORNIA.) (B&P Code Section 10086)

17 The Commissioner (Commissioner) of the California Department of Real Estate
18 (Department) caused an investigation to be made of the activities of CHRISTOPHER J. HIRSCH
19 (HIRSCH), and CREDIT SOLUTIONS OF NORTHERN CALIFORNIA, INC. ("CSNC")
20 (collectively, "RESPONDENTS"). Based on that investigation, the Commissioner has
21 determined that RESPONDENTS have engaged in, are engaging in, or are attempting to engage
22 in, acts or practices constituting violations of the California Business and Professions Code (the
23 Code) and/or Title 10, Chapter 6, California Code of Regulations (the Regulations), including
24 the business of, acting in the capacity of, and/or advertising or assuming to act as, a real estate
25 broker in the State of California within the meaning of Section 10131(d) (performing services
26 for borrowers and/or lenders in connection with loans secured by real property) of the Code and
27 Section 10085 (collecting unauthorized advance fees). Furthermore, based on the investigation,

1 the Commissioner hereby issues the following Findings of Fact, Conclusions of Law, and Desist
2 and Refrain Order under the authority of Section 10086 of the Code.

3 Whenever acts referred to below are attributed to HIRSCH, those acts are alleged
4 to have been done by HIRSCH, acting by himself, or by and/or through one or more agents,
5 associates, affiliates, and/or co-conspirators, and using the name "Credit Solutions of Northern
6 California", or other names or fictitious names unknown at this time.

7
8 FINDINGS OF FACT

9 1.

10 At no time herein mentioned has HIRSCH been licensed by the Department in
11 any capacity.

12 2.

13 At no time herein mentioned has CSNC been licensed by the Department in any
14 capacity.

15 3.

16 During the period of time set out below, HIRSCH, while employed by or acting
17 on behalf of CSNC, solicited borrowers and negotiated to do one or more of the following acts
18 for another or others, for or in expectation of compensation: negotiate one or more loans for, or
19 perform services for, borrowers and/or lenders in connection with loans secured directly or
20 collaterally by one or more liens on real property; and charge, demand or collect an advance fee
21 for any of the services offered.

22 4.

23 In approximately May 2009, HIRSCH solicited Raphael Flores (Flores) in order
24 to provide loan modification services to Flores.

25 5.

26 In furtherance of HIRSCH's plan and scheme to provide loan modification
27 services to Flores, HIRSCH requested an advance fee of \$2,000 from Flores and an additional

1 \$1,500 upon completion of the loan modification. In reliance on HIRSCH's representations,
2 Flores authorized CSNC to charge the advance fee amount of \$2,000 to Flores' credit card or
3 agreed to send a bank guaranteed check in that amount, payable to CSNC. Before CSNC could
4 act upon that authorization and in the course of the investigation leading to this Accusation, the
5 Department advised Flores not to pay this advance fee.

6 6.

7 As of June 2009, payment of \$500 has been requested by HIRSCH to be paid
8 from Flores to CNSC immediately, however, no payment has yet been made by Flores. Flores
9 did not obtain a successful and sustainable loan modification, obtain any other benefit from
10 RESPONDENTS, or from anyone connected in any way with RESPONDENTS.

11 7.

12 In approximately January 2009, HIRSCH solicited Lisette Rodriguez (Rodriguez)
13 in order to negotiate a "short sale" for Rodriguez.

14 8.

15 In approximately December 2008, HIRSCH solicited David and Nicole Wallace
16 (Wallace) in order to provide loan modification services to Wallace.

17 9.

18 In furtherance of HIRSCH's plan and scheme to provide loan modification
19 services to Wallace, HIRSCH requested an advance fee of \$1,500 from Wallace and an
20 additional \$2,000 upon completion of the loan modification. In reliance on HIRSCH's
21 representations, Wallace paid an initial \$500 deposit to CSNC by personal check, and
22 subsequently paid CSNC an additional \$1,000 by credit card check for a total advance payment
23 of \$1,500.

24 10.

25 Wallace did not obtain a successful and sustainable loan modification, obtain any
26 other benefit from RESPONDENTS, or from anyone connected in any way with
27 RESPONDENTS.

11.

In approximately December 2008, HIRSCH solicited Sophia Pinta (Pinta) in order to provide loan modification services to Pinta.

12.

In furtherance of HIRSCH's plan and scheme to provide loan modification services to Pinta, HIRSCH requested an advance fee of \$1,500 from Pinta. In reliance on HIRSCH's representations, Pinta paid \$1,500 to CSNC by personal check.

13.

Pinta did not obtain a successful and sustainable loan modification, obtain any other benefit from RESPONDENTS, or from anyone connected in any way with RESPONDENTS.

14.

In approximately July 2008, HIRSCH entered into an agreement with Karen Lauppe (Lauppe) in order to provide loan modification services to Lauppe.

CONCLUSIONS OF LAW

15.

Based on the Findings of Fact contained in Paragraphs 1 through 14, HIRSCH, acting by himself, or by and/or through CSNC, or other names or fictitious names unknown at this time, solicited borrowers and represented that he would perform services for those borrowers and/or the borrowers' lender in connection with one or more loans secured directly or collaterally by one or more liens on real property; and charged, demanded or collected an advance fee for the services to be provided, which acts require a real estate broker license under Sections 10131(d) and 10131.2 of the Code, and prior submission by a licensed real estate broker of an advance fee agreement to the Department for its review under Section 10085 of the Code, so that such acts of Hirsch and/or CSNC violate Sections 10085, 10131(d), and 10131.2 of the Code.

1
2
3 DESIST AND REFRAIN ORDER


4 Based on the Findings of Fact and Conclusions of Law stated herein, you,
5 CHRISTOPHER J. HIRSCH and CSNC, whether doing business under your own name, or any
6 other name or fictitious name, or by and/or through any related entity, ARE HEREBY
7 ORDERED to immediately desist and refrain from:

- 8 1. Performing acts that require a real estate license unless and until you are properly
9 licensed by the Department as a real estate broker, and,
10 2. Charging, demanding, or collecting advance fees, as that term is defined in
11 Section 10026 of the Code, for any of the services you offer to others, in any
12 form, and particularly with respect to loan modification, loan refinance, principal
13 reduction, foreclosure abatement or short sale services, unless and until you
14 demonstrate and provide evidence satisfactory to the Commissioner that you are
15 properly licensed by the Department as a real estate broker, and that you have:
16 (i) an advance fee agreement which has been submitted to the
17 Department and which is in compliance with Sections 2970 and
18 2972 of the Regulations;
19 (ii) placed all previously collected advance fees into a trust account for
20 that purpose and are in compliance with Section 10146 of the Code;
21 and
22 (iii) provided an accounting to trust fund owner-beneficiaries pursuant to
23 Section 2972 of the Regulations.

24 DATED: 9/22, 2009

25 JEFF DAVI
26 Real Estate Commissioner

27 By:


BARBARA J. BIGBY
Chief Deputy Commissioner

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- 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: CHRISTOPHER J. HIRSCH
529 Central Avenue Suite 204
Pacific Grove, CA 93950

CREDIT SOLUTIONS OF NORTHERN CALIFORNIA
Attention: CHRISTOPHER J. HIRSCH
529 Central Avenue Suite 204
Pacific Grove, CA 93950

CREDIT SOLUTIONS OF NORTHERN CALIFORNIA
Attention: CHRISTOPHER J. HIRSCH
24603 Lower Trail
Carmel, CA 93923

ATTY DEK/kc