

1 DEPARTMENT OF REAL ESTATE  
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FILED

NOV 02 2009

DEPARTMENT OF REAL ESTATE

By R. Henry

9 STATE OF CALIFORNIA

10 DEPARTMENT OF REAL ESTATE

11 To: ) DRE NO. H- 2430 FR  
12 )  
13 FORECLOSURE KING, INC., ) **ORDER TO DESIST AND**  
14 RUDY J. CALDERON AND ASSOCIATES and, ) **REFRAIN**  
15 RUDY J. CALDERON, an individual ) (B&P Code Section 10086)  
16 )

17 The Commissioner (Commissioner) of the California Department of Real Estate  
18 (Department) caused an investigation to be made of the activities of FORECLOSURE KING,  
19 INC., ("FKI"), RUDY J. CALDERON AND ASSOCIATES ("ASSOCIATES"), and RUDY J.  
20 CALDERON ("CALDERON"). Based on the investigation, the Commissioner has determined  
21 FKI, ASSOCIATES and CALDERON have engaged in, are engaging in, or are attempting to  
22 engage in, acts or practices constituting violations of the California Business and Professions  
23 Code (Code) and/or Title 10, Chapter 6, California Code of Regulations (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 for  
26 borrowers in connection with loans secured by real property) of the Code. Furthermore, based on  
27 the investigation, the Commissioner hereby issues the following Findings of Fact, Conclusions of

1 Law, and Desist and Refrain Order under the authority of Section 10086 of the Code.

2 Whenever acts referred to below are attributed to FKI, those acts are alleged to have been  
3 done by, CALDERON, acting by himself, or by and/or through one or more agents, associates,  
4 affiliates, and/or co-conspirators, and using the name FORECLOSURE KING, INC., or other  
5 names or fictitious names unknown at this time.

6 Whenever acts referred to below are attributed to ASSOCIATES, those acts are alleged to  
7 have been done by CALDERON, acting by himself, or by and/or through one or more agents,  
8 associates, affiliates, and/or co-conspirators, and using the name RUDY J. CALDERON &  
9 ASSOCIATES or other names or fictitious names unknown at this time.

10  
11 FINDINGS OF FACT

- 12 1. At no time herein mentioned have FKI, ASSOCIATES or CALDERON been licensed by  
13 the Department in any capacity.
- 14 2. At all times relevant herein and to the present, FKI was not and is not a California  
15 Corporation or a foreign corporation authorized to do business within the State of California, but  
16 was and is an alter ego of CALDERON, and was acting by and through CALDERON and  
17 ASSOCIATES, an entity of unknown organization, but at all times relevant herein and to the  
18 present, was and is an alter ego of CALDERON, and/or other agents, associates, affiliates, and/or  
19 co-conspirators solicited one or more borrowers and negotiated to do one or more of the  
20 following acts for another or others, for or in expectation of compensation: negotiate one or more  
21 loans for, or perform services for, borrowers and/or lenders in connection with loans secured  
22 directly or collaterally by one or more liens on real property; and charge, demand or collect an  
23 advance fee for any of the services offered, in violation of Sections 10130 (real estate broker  
24 license required to perform certain acts), 10085.5 (real estate broker license required to charge or  
25 collect an advance fee), and 10139 (criminal penalties for unlicensed activity) of the Code.

26 ///

1 3. On or about June 23, 2008, CALDERON on behalf of FKI and ASSOCIATES, entered into  
2 an agreement with Jose and Elizabeth Ochoa ("Ochoa") to negotiate a loan modification  
3 concerning his real property located at 5729 Monaco Drive Palmdale, California in which  
4 CALDERON on behalf of FKI and ASSOCIATES would negotiate a loan modification for  
5 Ochoa's loan and Ochoa agreed to pay CALDERON on behalf of FKI and ASSOCIATES as its  
6 fee for loan modification services, the sum of \$3,500.00 and Rios did pay to CALDERON on  
7 behalf of FKI and ASSOCIATES the sum of at least \$3,500.00, in violation of Sections 10130,  
8 10085.5, and 10139 of the Code.

9 4. On or about August 2, 2008, CALDERON on behalf of FKI and ASSOCIATES, entered  
10 into a written agreement with Salvador and Blanca Diaz ("Diaz") to negotiate loan modifications  
11 concerning his real property located at 4143 N. Sabre Drive, Fresno, California in which  
12 CALDERON on behalf of FKI and ASSOCIATES would negotiate loan modifications for Diaz'  
13 mortgage loans on the Sabre Drive property; and Diaz agreed to pay CALDERON on behalf of  
14 FKI and ASSOCIATES the sum of \$1,200.00, to KNC as its fee for loan modification services  
15 and Diaz did pay to CALDERON on behalf of FKI and ASSOCIATES the sum of at least  
16 \$300.00, in violation of Sections 10130, 10085.5, and 10139 of the Code.

#### 17 CONCLUSIONS OF LAW

18 5. Based on the findings of fact contained in paragraphs 1 through 4, above, CALDERON on  
19 behalf of FKI and ASSOCIATES, acting by and/or through one or more agents, associates,  
20 affiliates, and/or co-conspirators, including CALDERON and using the name FORECLOSURE  
21 KING, INC., and/or RUDY J. CALDERON AND ASSOCIATES or other names or fictitious  
22 names unknown at this time, solicited one or more borrowers and performed services for those  
23 borrowers and/or those borrowers' lenders in connection with loans secured directly or  
24 collaterally by one or more liens on real property, acts which require a real estate license under  
25 Section 10131(d) of the Code, during a period of time when CALDERON, FKI and  
26 ASSOCIATES were not licensed by the Department in any capacity.

27 ///

1 DESIST AND REFRAIN ORDER

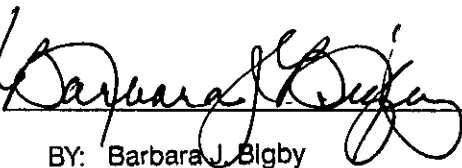
2 Based on the Findings of Fact and Conclusions of Law stated herein, you  
3 FORECLOSURE KING, INC., RUDY J. CALDERON AND ASSOCIATES, and RUDY  
4 CALDERON, doing business under your own names, the corporate name FORECLOSURE  
5 KING, INC., and/or RUDY J. CALDERON AND ASSOCIATES., or any other names or  
6 fictitious names, ARE HEREBY ORDERED to

7 1. Immediately desist and refrain from performing any acts within the State of California  
8 for which a real estate broker license is required. In particular, you are ordered to desist and  
9 refrain from:

- 10 (i) soliciting borrowers and/or performing services for borrowers or lenders in  
11 connection with loans secured directly or collaterally by one or more liens on real property, and  
12 (ii) from charging, demanding, or collecting an advance fee for any of the services you  
13 offer to others, unless and until you obtain a real estate broker license issued by the Department,  
14 and until you demonstrate and provide evidence satisfactory to the Commissioner that you are in  
15 full compliance with all of the requirements of the Code and Regulations relating to charging,  
16 collecting, and accounting for advance fees, including Section 10146 (place all previously  
17 collected advance fees into a trust account for that purpose) of the Code and Sections 2970 (an  
18 advance fee agreement must be submitted to the Department and be in compliance with the  
19 Regulations) and 2972 (must provide an accounting to trust fund owner-beneficiaries) of the  
20 Regulations.

21  
22 DATED: 10/29, 2009

23  
24 JEFF DAVI  
Real Estate Commissioner

25  
26 By   
27 BY: Barbara J. Bigby  
Chief Deputy Commissioner

1 **Notice:** Business and Professions Code Section 10139 provides that "Any person acting as a  
2 real estate broker or real estate salesperson without a license or who advertises using words  
3 indicating that he or she is a real estate broker without being so licensed shall be guilty of a  
4 public offense punishable by a fine not exceeding twenty thousand dollars (\$20,000), or by  
5 imprisonment in the county jail for a term not to exceed six months, or by both fine and  
6 imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars  
7 (\$60,000)."

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9 TO: Rudy J. Calderon  
4635 E. McKinley Avenue  
10 Fresno, CA 93703  
(559) 213-7924

11  
12 Rudy J. Calderon d.b.a. Foreclosure King, Inc.  
4635 E. McKinley Avenue  
13 Fresno, CA 93703  
(559) 213-7924

14  
15 Rudy J. Calderon d.b.a. Rudy Calderon and Associates  
4635 E. McKinley Avenue  
16 Fresno, CA 93703  
(559) 213-7924