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DEC 31 2010

DEPARTMENT OF REAL ESTATE

By K. Mar

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8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 To:)
12) NO. H-2577 FR
13 ANGELICA SANTILLAN)
14) ORDER TO DESIST AND REFRAIN
15) (B&P Code Section 10086)

16 The Commissioner (hereafter "the Commissioner") of the California Department
17 of Real Estate (hereafter "the Department") caused an investigation to be made of the activities
18 of ANGELICA SANTILLAN (hereafter "Respondent"). Based on that investigation, the
19 Commissioner has determined that Respondent has engaged in, is engaging in, or is attempting
20 to engage in, acts or practices constituting violations of the California Business and Professions
21 Code ("Code") and/or Title 10, Chapter 6, California Code of Regulations ("Regulations"),
22 including acting in the capacity of, advertising or assuming to act as a real estate broker in the
23 State of California within the meaning of Section 10131(d) (performing services for borrowers
24 and/or lenders in connection with loans secured by real property), 10131.2 (collection of
25 advance fees), 10085 (advance fee agreements and materials) and 10085.5 (collecting
26 unauthorized advance fees) of the Code. Furthermore, based on the investigation, the
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1 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 FINDINGS OF FACT

4 1. At no time has Respondent been licensed by the Department in any capacity.
5 During the period of time set out below, Respondent performed services for one or more
6 borrowers and negotiated to do one or more of the following acts for another or others, for or in
7 expectation of compensation: negotiate one or more loans for, or perform services for,
8 borrowers and/or lenders with respect to the collection of advance fees and loan modification,
9 loan refinance, principal reduction, foreclosure abatement or short sale services and/or those
10 borrowers' lenders in connection with loans secured directly or collaterally by one or more liens
11 on real property; and charged, demanded or collected an advance fee for any of the services
12 offered. Although Respondent was employed by a real estate broker at the time of the acts
13 mentioned herein, Respondent was not acting under the supervision and control, or with the
14 knowledge of her real estate broker in the performance of the acts mentioned herein.

15 2. In furtherance of her plan and scheme to solicit advance fees and provide loan
16 modification services, on or about December 2008, Respondent entered into a loan modification
17 services agreement with Jesse R. and Maria R. According to that agreement, Respondent agreed
18 to negotiate a loan modification on behalf of Jesse R. and Maria R. for their property located at
19 457 East Sierra Avenue, Reedley, California, in exchange for an advance fee payment of \$3,500.
20 On or about January 23, 2009, Maria R. paid the advance fee of \$3,500 to Respondent. No loan
21 modification was ever obtained by Respondent for Jesse R. and Maria R. On or about
22 November 20, 2009, Real Estate Broker Ed Evans paid \$3,500 to Jesse R. and Maria R. to
23 reimburse them for the advance fees they paid to Respondent.

24 CONCLUSIONS OF LAW

25 Based on the Findings of Fact contained in Paragraphs 1 through 2, above,
26 ANGELICA SANTILLAN, solicited borrowers and/or performed services for those borrowers
27 with respect to the collection of advance fees and loan modification, loan refinance, principal

1 reduction, foreclosure abatement or short sale services and/or those borrowers' lenders in
2 connection with loans secured directly or collaterally by one or more liens on real property; and
3 charged, demanded or collected advance fees for the services to be provided, which acts require
4 a real estate broker license under Sections 10131(d) and 10131.2 of the Code.

5 ANGELICA SANTILLAN used a form of advance fee agreement which had not
6 been provided to the Department for its prior review and consideration, in violation of Section
7 10085 of the Code, and Sections 2970 (submission of advance fee materials) and 2972 (content
8 of verified accounting) of the Regulations.

9 DESIST AND REFRAIN ORDER

10 Based on the Findings of Fact and Conclusions of Law stated herein, ANGELICA
11 SANTILLAN, whether doing business under your own name, or any other name or fictitious
12 name, IS HEREBY ORDERED to immediately desist and refrain from:

- 13 1. Performing any acts within the State of California that require a real estate broker
14 license unless and until you are properly licensed by the Department as a real
15 estate broker.
- 16 2. Charging, demanding, claiming, collecting and/or receiving advance fees, as that
17 term is defined in Section 10026 of the Code, for any of the services you offer to
18 others, unless and until you demonstrate and provide evidence satisfactory to the
19 Commissioner that you are properly licensed by the Department as a real estate
20 broker and that ANGELICA SANTILLAN:
 - 21 (a) Has an advance fee agreement which has been submitted to the Department
22 and which is in compliance with Sections 2970 and 2972 of the Regulations;
 - 23 (b) Has placed all previously collected advance fees into a trust account for that
24 purpose and are in compliance with Section 10146 (deposit of advance fees
25 into trust account) of the Code; and
 - 26 (c) Has provided an accounting to trust fund owner-beneficiaries pursuant to
27 Section 2972 of the Regulations.

