

1 Department of Real Estate
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FILED

DEC 31 2010

DEPARTMENT OF REAL ESTATE

By K. Mar

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 To:)
12) NO. H-2578 FR
13 LAURA BARBOZA)
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 LAURA BARBOZA, individually and doing business as "MB Financial Solutions" (hereafter
19 "Respondent"). Based on that investigation, the Commissioner has determined that Respondent
20 has engaged in, is engaging in, or is attempting to engage in, acts or practices constituting
21 violations of the California Business and Professions Code ("Code") and/or Title 10, Chapter 6,
22 California Code of Regulations ("Regulations"), including acting in the capacity of, advertising
23 or assuming to act as a real estate broker in the State of California within the meaning of Section
24 10131(d) (performing services for borrowers and/or lenders in connection with loans secured by
25 real property), 10131.2 (collection of advance fees), 10085 (advance fee agreements and
26 materials) and 10085.5 (collecting unauthorized advance fees) of the Code. Furthermore, based

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

4 FINDINGS OF FACT

5 1. At no time has Respondent been licensed by the Department in any capacity.

6 2. During the period of time set out below, Respondent performed services for one
7 or more borrowers and negotiated to do one or more of the following acts for another or others,
8 for or in expectation of compensation: negotiate one or more loans for, or perform services for,
9 borrowers and/or lenders with respect to the collection of advance fees and loan modification,
10 loan refinance, principal reduction, foreclosure abatement or short sale services and/or those
11 borrowers' lenders in connection with loans secured directly or collaterally by one or more liens
12 on real property; and charged, demanded or collected an advance fee for any of the services
13 offered.

14 3. In furtherance of her plan and scheme to solicit advance fees and provide loan
15 modification services, on or about June 14, 2009, Respondent entered into a loan modification
16 services agreement with Delfino S. According to that agreement, Respondent agreed to negotiate
17 a loan modification on behalf of Delfino S. for his property located at 4622 North Third Street,
18 Fresno, California, in exchange for an advance fee payment of \$3,000. On or about June 15,
19 2009, Delfino S. paid the advance fee of \$3,000 to Respondent. No loan modification was ever
20 obtained by Respondent for Delfino S. On or about July 7, 2009, Respondent repaid \$2,300 to
21 Delfino S. On or about July 13, 2009, Respondent repaid the remaining \$700 to Delfino S.

22 CONCLUSIONS OF LAW

23 Based on the Findings of Fact contained in Paragraphs 1 through 3, above,
24 LAURA BARBOZA, solicited borrowers and/or performed services for those borrowers with
25 respect to the collection of advance fees and loan modification, loan refinance, principal
26 reduction, foreclosure abatement or short sale services and/or those borrowers' lenders in
27 connection with loans secured directly or collaterally by one or more liens on real property; and

1 charged, demanded or collected advance fees for the services to be provided, which acts require a
2 real estate broker license under Sections 10131(d) and 10131.2 of the Code.

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

7 DESIST AND REFRAIN ORDER

8 Based on the Findings of Fact and Conclusions of Law stated herein, LAURA
9 BARBOZA, individually and doing business as MB Financial Solutions, whether doing business
10 under your own name, or any other name or fictitious name, IS HEREBY ORDERED to
11 immediately desist and refrain from:


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

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1 3. Demanding, claiming, collecting and/or receiving advance fees, as that term is
2 defined in Section 10026 of the Code, in any form, and under any conditions, with respect to the
3 performance of loan modification or any other form of mortgage loan forbearance services in
4 connection with loans on residential property containing four or fewer dwelling units.

5 DATED: 12/23/2016

6 JEFF DAVI
7 Real Estate Commissioner

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10 By WAYNE S. BELL
11 Chief Counsel

12 **-NOTICE-**

13 Business and Professions Code Section 10139 provides that, "Any person acting
14 as a real estate broker or real estate salesperson without a license or who advertises using words
15 indicating that he or she is a real estate broker without being so licensed shall be guilty of a
16 public offense punishable by a fine not exceeding twenty thousand dollars (\$20,000), or by
17 imprisonment in the county jail for a term not to exceed six months, or by both fine and
18 imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars
19 (\$60,000)...."

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22 cc: Laura Barboza
23 192 West Barstow Avenue, Apt. C
24 Fresno, CA 93704

25
26 ATTY JWB/km
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