

1 Department of Real Estate
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FILED

MAR - 8 2011

DEPARTMENT OF REAL ESTATE

by K. Mat

7
8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

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11 To:)
12 R. RIOS ENTERPRISES, INC.) NO. H-2600 FR
13 and RICHARD ALLEN RIOS,) ORDER TO DESIST AND REFRAIN
14) (B&P Code Section 10086)

15 The Real Estate Commissioner of the State of California (Commissioner) has
16 caused an investigation to be made of the activities of R. RIOS ENTERPRISES, INC. (RRE)
17 and RICHARD ALLEN RIOS (RIOS) including engaging in the business of, acting in the
18 capacity of , advertising, or assuming to act as a real estate broker in the State of California
19 within the meaning of Section 10131(d) of the California Business & Professions Code (the
20 Code). Based upon the findings of that investigation, as set forth below, the Commissioner has
21 determined and is of the opinion that RRE and RIOS, have violated Section 10130 of the Code
22 by engaging in the business of or acting as a real estate salesperson or broker, within the
23 meaning of Sections 10085.5 (charging an advance fee), 10130 (act as a real estate broker or
24 salesman without a license) and 10131(d) (soliciting borrowers for services in connection with
25 loans secured by real property) of the Code without first having obtained a real estate license
26 from the California Department of Real Estate (Department). Whenever acts referred to below
27 are attributed to RRE, those acts are alleged to have been done by RRE, acting by itself, or by

1 and/or through one or more agents, associates, and/or co-conspirators, and using other names or
2 fictitious names unknown at this time (the related entities).

3 FINDINGS OF FACT

4 1. At no time mentioned herein were RRE or RIOS, licensed by the Department as
5 a real estate broker or real estate salesperson, as appropriate.

6 2. At all times mentioned herein between on or about April 27 2009, and continuing
7 up to at least February of 2011, RRE and RIOS engaged in the business of, acted in the capacity
8 of, or assumed to act as a real estate broker within the State of California within the meaning of
9 Section 10131(d) of the Code, including solicitation of borrowers for or negotiation of loans or
10 performance of services for borrowers or lenders or note owners in connection with loans
11 secured directly or collaterally by liens on real property, including but not limited to direct
12 solicitation as described above of individual mortgage borrowers Aidee R. and Ismael R.
13 (Buyers) of Bakersfield, California.

14 3. In or about April 27, 2009, RRE and RIOS solicited Buyers to help them buy a
15 residence by negotiating a reduction of the purchase price by 50%, finding an investor to
16 purchase and then accept payments on the property. RRE and RIOS charged an advance fee of
17 \$3,000.00 for his services.

18 CONCLUSIONS OF LAW

19 Based on the Findings of Fact contained in paragraphs 1 through 3, RRE and
20 RIOS, among other things, solicited and/or performed services for borrowers, including but not
21 limited to Aidee R. and Ismael R., in connection with loans secured directly or collaterally by
22 liens on real property or on a business opportunity, for or in expectation of a compensation and
23 claimed, demanded, charged, received, collected or contracted for an advanced fee for such
24 services. Thus, RRE and RIOS violated Sections 10130, 10131(d) and 10085.5 of the Code.

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1 DESIST AND REFRAIN ORDER

2 Now, therefore RICHARD ALLEN RIOS and R. RIOS ENTERPRISES, INC,
3 their employees, agents, official successors and assigns, ARE HEREBY ORDERED to
4 immediately desist and refrain from:

5 (1) Performing any and all acts within the State of California for which a real estate
6 broker license is required, unless and until they obtain a broker license.

7 (2) Misrepresenting their affiliation with consumers' current mortgage brokers; and

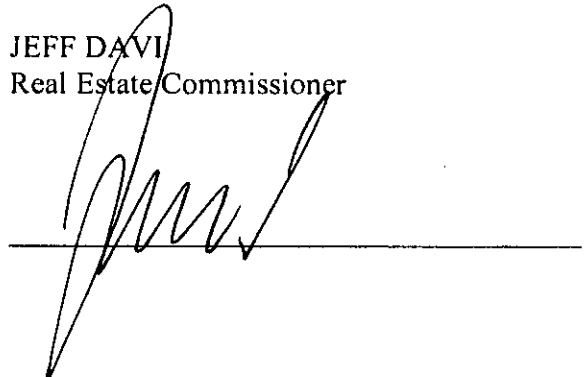
8 (3) Charging, demanding, contracting for or receiving advance fees, as that term is
9 defined in Section 10026 of the Code, for acts for which a real estate salesperson or broker
10 license is required, unless and until they obtain a real estate salesperson or broker license and
11 submit an advance fee agreement to the Department for review as requested by Section 10085
12 of the Code.

13 DATED: _____

2/7/2014

14 JEFF DAVIS
15 Real Estate Commissioner

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21 **Notice:** Business and Professions Code Section 10139 provides that, "Any person
22 acting as a real estate broker or real estate salesperson without a license or who advertises using
23 words indicating that he or she is a real estate broker without being so licensed shall be guilty of
24 a public offense punishable by a fine not exceeding twenty thousand dollars (\$20,000), or by
25 imprisonment in the county jail for a term not to exceed six months, or by both fine and
26 imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars
27 (\$60,000)..."

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1 cc: RICHARD ALLEN RIOS
2 Agent for Service of Process for
3 R. RIOS ENTERPRISES, INC.
4 1401 Commercial Way, Suite 100
5 Bakersfield, CA 93309

6 RICHARD ALLEN RIOS
7 5800 Marbella Street
8 Bakersfield, CA 93313

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12 ATTY: RKU/km
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