

1 BUREAU OF REAL ESTATE
2 320 West Fourth Street, Ste. 350
3 Los Angeles, California 90013

4 (213) 576-6982

FILED

DEC 17 2013

BUREAU OF REAL ESTATE

By 

8 STATE OF CALIFORNIA

9 BUREAU OF REAL ESTATE

10 To:

11 DE GUARDIAN GROUP and MARTHA)
12 PIMENTEL, individually and dba)
13 De Guardian Group, Rescate De Propidad,)
14 and/or any other names or fictitious names used)
15 by Martha Pimentel)

NO. H-2856 FR

ORDER TO DESIST AND
REFRAIN

(B&P Code Section 10086)

16
17 The Commissioner ("Commissioner") of the California Bureau of Real Estate
18 ("Bureau") caused an investigation to be made of the activities of DE GUARDIAN GROUP
19 ("DGG") and MARTHA PIMENTEL ("PIMENTEL"). Based on that investigation, the
20 Commissioner has determined that DGG and PIMENTEL, and/or any other fictitious business
21 names used by PIMENTEL, have engaged in, are engaging in, or are attempting to engage in,
22 acts or practices constituting violations of the California Business and Professions Code
23 ("Code"), including violating Code Section 10130 by engaging in the business of, acting in the
24 capacity of, and/or advertising or assuming to act as, a real estate broker in the State of
25 California within the meaning of Code Section 10131(d) (solicit borrowers or lenders for or
26
27

1 negotiate loans or collect payments or perform services for borrowers or lenders or note owners
2 in connection with loans secured directly or collaterally by liens on real property or on a business
3 opportunity). Based on the findings of that investigation, set forth below, the Commissioner
4 hereby issues the following Findings of Fact, Conclusions of Law, and Desist and Refrain Order
5 under the authority of Section 10086 of the Code.

6 Whenever acts referred to below are attributed to DGG or PIMENTEL, those acts are
7 alleged to have been done by PIMENTEL, acting by herself, or by and/or through one or more
8 agents, associates, affiliates, and/or co-conspirators, including but not limited to DGG and using
9 the names "De Guardian Group," "Rescate De Propidad," or other names or fictitious names
10 unknown at this time.

11 FINDINGS OF FACT

12
13 1. PIMENTEL is not now, and has never been, licensed by the Bureau in any capacity.

14 2. DE GUARDIAN GROUP is not not now, and has never been, licensed by the Bureau in
15 any capacity.

16
17 3. PIMENTEL and DGG solicited borrowers and negotiated to do one or more of the
18 following acts for another or others, for or in expectation of compensation: solicit or negotiate
19 one or more loans for, or perform services for, borrowers and/or lenders in connection with loans
20 secured directly or collaterally by one or more liens on real property; and charge, demand or
21 collect an advance fee for any of the services offered.

22 4. PIMENTEL advertised, and continues to advertise, loan modification services under one
23 or more business names, including, but not limited to, "DE GUARDIAN GROUP" and "Rescate
24 De Propidad," through flyers in Spanish, business cards and verbally. PIMENTEL touted a
25 success rate of ninety-eight percent (98%) in obtaining affordable loan modifications on behalf
26
27

1 of distressed homeowners, and indicated that the process would cost homeowners \$2,500.00 to
2 \$5,000.00 and take about forty-five (45) to one hundred twenty (120) days to complete.

3 Jose P.'s Transaction

4 4. In May 2010, upon receiving a flyer for DGG in front of his local grocery store, Jose P.
5 made an appointment and spoke with PIMENTEL about the possibility of a loan modification to
6 save Jose P.'s real property located in the city of McFarland, California, from foreclosure.
7 PIMENTEL promised Jose P. that she could stop the foreclosure proceedings against his
8 property and obtain an affordable loan modification so that he would pay only 25% of what was
9 owed on the house. PIMENTEL said that the charge for these services was \$1,200.00.
10

11 5. Jose P. made two payments in cash to PIMENTEL's home address located in
12 McFarland, California: the first payment of \$800 was paid on May 19, 2010 and the second
13 payment of \$400 was paid on June 30, 2010.

14 6. After six months elapsed, PIMENTEL became non-responsive to Jose P.'s phone calls
15 and home visits. In PIMENTEL's last conversation with Jose P., she informed him that the
16 president of DGG was in prison and that unless he paid additional money, she would cease work
17 on his loan modification.
18

19 7. Jose P. did not make additional payments to PIMENTEL and lost his home in
20 foreclosure at the end of 2011.

21 Maria B.'s Transaction

22 8. In January 2011, Maria B. hired PIMENTEL and Rescate de Propidad to perform loan
23 modification services to save Maria B.'s real property located in the city of Delano, California
24 from foreclosure. PIMENTEL promised to stop the foreclosure proceedings and obtain an
25 affordable loan modification for Maria B. PIMENTEL informed Maria B. that her fee for these
26
27

1 services was \$5,000.00, and that installment payments were acceptable. On or about April 13,
2 2011, Maria B. paid \$1000.00 to PIMENTEL at PIMENTEL's home in McFarland, California.
3 Thereafter, PIMENTEL came to Maria B.'s home and Maria B. made additional payments to
4 PIMENTEL in the amounts: \$1,500 on May 9, 2011; \$500.00 on July 20, 2011; \$500.00 on or
5 about October 4, 2011; and \$300.00 on or about November 4, 2011, for a total of \$3,800.00.

6 9. By December 2011, PIMENTEL failed to deliver the promised loan modification on
7 refund Maria B.'s money.

8 10. On or about February 2012, Maria B.'s lender foreclosed upon the subject property in
9 Delano and Maria B. was given notice to vacate the property as soon as possible.

11 Pimentel's Continued Unlicensed Activity

12 11. On or about May 8, 2012, a representative of the Bureau called PIMENTEL at DGG's
13 advertised phone number and PIMENTEL revealed that she continued to offer loan modification
14 services and that her success rate of obtaining loan modifications for distressed homeowners was
15 ninety eight percent (98%). PIMENTEL also indicated in the same call that her fees for such
16 services were \$2,500.00 and that the process required forty-five (45) to one hundred twenty
17 (120) days to complete.

18 12. On or about May 15, 2012, a representative of the Bureau contacted PIMENTEL to
19 discuss the allegations of her collection of advance fees for loan modification services.
20 PIMENTEL admitted to collecting advance fees of \$1,200.00 from Jose P. and \$3,800.00 from
21 Martha B., and also admitted that she failed to obtain affordable loan modifications on behalf of
22 Jose P. and Martha B.
23

24 13. On or about April 12, 2013, a representative of the Bureau called PIMENTEL at the
25 advertised phone number. PIMENTEL revealed that she continued to offer loan modification
26

1 services. PIMENTEL indicated to the caller that she was part of an attorneys' network that
2 assisted distressed homeowners in saving their homes from foreclosure, and that the fees for such
3 services were \$5,000.00.

4 CONCLUSIONS OF LAW

5
6 14. Based on the findings of fact contained in paragraphs 1 through 13, DGG, acting by
7 itself, or by and/or through one or more agents, associates, representatives, and/or co-
8 conspirators, including, but not limited to PIMENTEL, and using the names "De Guardian
9 Group," "Rescate De Propidad," or other names or fictitious names unknown at this time,
10 solicited borrowers to negotiate loans or perform services, in connection with loans secured
11 directly or collaterally by one or more liens on real property. These acts, which require a real
12 estate broker license under Code Section 10131(d), were performed during a period of time when
13 DGG was not licensed by the Bureau as a real estate broker, a violation of Code Section 10130.

14 15. Based on the findings of fact contained in paragraphs 1 through 13, PIMENTEL,
15 acting by herself, or by and/or through one or more agents, associates, representatives, and/or co-
16 conspirators, including, but not limited to DGG, and using the names "De Guardian Group,"
17 "Rescate De Propidad," or other names or fictitious names unknown at this time, solicited
18 borrowers to negotiate loans or perform services, in connection with loans secured directly or
19 collaterally by one or more liens on real property. These acts, which require a real estate broker
20 license under Code Section 10131(d), were performed during a period of time when PIMENTEL
21 was not licensed by the Bureau as a real estate broker, a violation of Code Section 10130.

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

1 DESIST AND REFRAIN ORDER:

2
3 Based upon the Findings of Fact and Conclusions of Law stated herein, it is hereby
4 ordered that DE GUARDIAN GROUP and MARTHA PIMENTEL, whether doing business
5 under their own names or any other name(s) or fictitious name(s), ARE HEREBY ORDERED to
6 immediately desist and refrain from performing any acts within the State of California for which
7 a real estate broker license is required. In particular you are ORDERED TO DESIST AND
8 REFRAIN from:

- 9
- 10 1. charging, demanding, claiming, collecting and/or receiving advance fees, as that term
11 is defined in Code Section 10026 of the Code, in any form, and under any conditions,
12 with respect to the performance of loan modifications or any other form of mortgage
13 loan forbearance service in connection with loans on residential property containing
14 four or fewer dwelling units (Code Section 10085.6); and
 - 15 2. charging, demanding, claiming, collecting and/or receiving advance fees, as that term
16 is defined in Code Section 10026 of the Code, for any other real estate related
17 services offered by them to others.
18

19 DATED: DECEMBER 13 2013

20 Real Estate Commissioner

21
22 By 

By: **JEFFREY MASON**
Chief Deputy Commissioner

23 **Notice:** Business and Professions Code Section 10139 provides that "Any person acting as a real estate broker or
24 real estate salesperson without a license or who advertises using words indicating that he or she is a real estate
25 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)."

26 cc: MARTHA PIMENTEL
27 DE GUARDIAN GROUP