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7			
8	BEFORE THE BUREAU OF REAL ESTATE		
9	STATE OF CALIFORNIA		
	* * *		
10			
11	To:)	CalBRE No. H-2880 FR
12	MINDED.)	ORDER TO DESIST
13	·) .	AND REFRAIN
)	(B&P Code Section 10086)
14)	
15			
16	The Commissioner ("Commissioner") of the California Bureau of Real Estate ("Bureau"		
17	caused an investigation to be made of the activities of Shane Gabriel Hernandez ("Hernandez"),		
18	doing business as MINDED. Based on that investigation the Commissioner has determined that		
19	MINDED has engaged in or is engaging in acts or attempting to engage in the business of, acting		
20	in the capacity of, and/or advertising or assuming to act as a real estate broker in the State of		
21	California within the meaning of Business and Professions Code ("Code") Section 10131(b)		
22	(offer to lease or rent, or place for rent, or solicit listings of places for rent, or solicit for		
23	prospective tenants, or negotiate the sale, purchase, or exchanges of leases on real property, or		
24	collect rents from real property), Section 10131(d) (solicit borrowers for or negotiate loans or		

ORDER TO DESIST AND REFRAIN TO MINDED - PAGE 1

perform services for borrowers in connection with loans secured by liens on real property), and Section 10131.2 (engage in the business of claiming, demanding, charging, receiving, collecting or contracting for the collection of an advance fee in connection with offering to obtain a loan on real property).

In addition, based on that investigation, the Commissioner has determined that MINDED has engaged in or is engaging in acts or are attempting to engage practices constituting violations of the Code. Based on the findings of that investigation, set forth below, the Commissioner hereby issues the following Findings of Fact, Conclusions of Law, and Desist and Refrain Order under the authority of Section 10086 of the Code.

FINDINGS OF FACT

- 1. At no time mentioned herein has MINDED ever been licensed by the Bureau in any capacity.
- 2. From June 1, 2004, through the present, Hernandez has been licensed and/or has license rights by the Bureau as a real estate broker, License ID 01431837. At all times relevant, Hernandez was not licensed to do business under the fictitious business name "MINDED."
- 3. On or about November 10, 2011, Hernandez, while doing business as MINDED, solicited and offered to perform loan modification, negotiation, and/or foreclosure forbearance services in connection with loans secured directly or collaterally by liens on real property for borrower, Nicolette W. Hernandez induced Nicolette W. to sign an agreement entitled "Retainer Agreement" wherein MINDED promised to provide services in connection with loan modification, debt reduction, or a short sale of a property located at 185 Seventh St., Shandon, California ("subject property").

22.

1 **DESIST AND REFRAIN ORDER** Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW stated herein, IT 2 IS HEREBY ORDERED THAT MINDED, whether doing business under that name or any other 3 fictitious business name, immediately desist and refrain from performing any acts within the 4 State of California for which a real estate broker license is required, unless it is so licensed. 5 13 6 DATED: MARCH 7 8 REAL ESTATE COMMISSIONER 9 10 11 JEFFREY MASON **Chief Deputy Commissioner** 12 13 14 Notice: Business and Professions Code Section 10139 provides that "Any person acting as a 15 real estate broker or real estate salesperson without a license or who advertises using words 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 imprisonment in the county jail for a term not to exceed six months, or by both fine and 17 imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars (\$60,000)." 18 19 20 21 cc: Minded and Shane Gabriel Hernandez

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222 Cimarron Way

Arroyo Grande, CA 93420