

FILED

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1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 187007
3 Sacramento, CA 95818-7007
4 Telephone: (916) 227-0789

DEPARTMENT OF REAL ESTATE

By *R. Henry*

9 STATE OF CALIFORNIA
10 DEPARTMENT OF REAL ESTATE

11 To:

12 ERIC BRANDON CALDWELL)
13)
14)

NO. H-4081 SD

ORDER TO DESIST AND REFRAIN
(B&P Code Section 10086)

15 The Commissioner (hereinafter "Commissioner") of the California Department of
16 Real Estate (hereinafter "Department") caused an investigation to be made of the activities of
17 ERIC BRANDON CALDWELL (hereinafter "CALDWELL"). Based on that investigation, the
18 Commissioner has determined that CALDWELL has engaged in, is engaging in, or is attempting
19 to engage in, acts or practices constituting violations of the California Business and Professions
20 Code (hereinafter "the Code") and/or Title 10, Chapter 6, California Code of Regulations
21 (hereinafter "the Regulations"), including the business of, acting in the capacity of, and/or
22 advertising or assuming to act as, a real estate broker in the State of California within the
23 meaning of Section 10131(d) (performing services for borrowers and/or lenders in connection
24 with loans secured by real property) of the Code. Furthermore, based on the investigation, the
25 Commissioner hereby issues the following Findings of Fact, Conclusions of Law, and Desist and
26 Refrain Order under the authority of Section 10086 of the Code.

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1 Whenever acts referred to below are attributed to CALDWELL, those acts are
2 alleged to have been done by CALDWELL, acting by himself, or by and/or through one or more
3 agents, associates, affiliates, and/or co-conspirators, and using the name "National Mortgage
4 Rescue", or other names or fictitious names unknown at this time (collectively referred to as "the
5 related entities").

6 FINDINGS OF FACT

7 1. CALDWELL is presently licensed by the Department as a real estate
8 salesperson. At no time herein was CALDWELL licensed as a real estate broker.

9 2. During the period of time set forth below, CALDWELL, while employed
10 by or acting on behalf of one or more of the related entities, solicited borrowers and negotiated to
11 do one or more of the following acts for another or others, for or in expectation of compensation;
12 negotiate one or more loans for, or perform services for, borrowers and/or lenders in connection
13 with loans secured directly or collaterally by one or more liens on real property; and charge,
14 demand or collect an advance fee for any of the services offered.

15 3. On approximately July 24, 2008, CALDWELL solicited Guadalupe Tejada
16 (hereinafter "Tejada") in order to provide loan modification services to Tejada in connection with
17 a loan secured by real property located at 2195 Cabo Bahia, Chula Vista, California.

18 4. In furtherance of CALDWELL's plan and scheme to provide loan
19 modification services to Tejada, CALDWELL requested an advance fee of \$1,995 from Tejada.
20 In reliance on CALDWELL's representations, Tejada issued a check to CALDWELL in the
21 amount of \$1,995, payable to National Mortgage Rescue.

22 5. After Tejada delivered the check mentioned above to CALDWELL,
23 Tejada did not obtain a successful and sustainable loan modification, obtain any other benefit
24 from CALDWELL, or from anyone connected in any way with CALDWELL, or any of the
25 related entities, or receive a refund of the amount Tejada paid to National Mortgage Rescue.

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1 salesperson shall accept compensation from any person other than the broker under whom he is
2 at the time licensed) and 10139 (any person acting as a real estate broker without a license or
3 who advertises using words indicating that he is a real estate broker without being so licensed
4 shall be guilty of a public offense punishable by a fine not exceeding twenty thousand dollars
5 (\$20,000), or by imprisonment in the county jail for a term not to exceed six months, or by both
6 fine and imprisonment) of the Code.

7 DESIST AND REFRAIN ORDER

8 Based on the Findings of Fact and Conclusions of Law stated herein, you, ERIC
9 BRANDON CALDWELL, whether doing business under your own name, or any other name or
10 fictitious name, ARE HEREBY ORDERED to immediately desist and refrain from performing
11 any acts within the State of California for which a real estate broker license is required. In
12 particular, you are ordered to desist and refrain from:

13 1. Charging, demanding, claiming, collecting and/or receiving advance fees,
14 as that term is defined in Section 10026 of the Code, in any form, and under any condition, with
15 respect to the performance of loan modifications or any other form of mortgage loan forbearance
16 service in connection with loans on residential property containing four or fewer dwelling units
17 (Code Section 10085.6), and;

18 2. Charging, demanding, claiming, collecting and/or receiving advance fees,
19 as that term is defined in Section 10026 of the Code, for any other real estate related services
20 offered by you to others.

21
22 DATED: _____

3/24/2016

23
24 JEFF DAVI
25 Real Estate Commissioner

26
27 By _____