

1 Department of Real Estate  
P. O. Box 187007  
2 Sacramento, CA 95818-7007  
3 Telephone: (916) 227-0789  
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**FILED**  
OCT 20 2004

DEPARTMENT OF REAL ESTATE  
*Laurie Zi*

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 TO: ) No. H-4139 SAC  
12 )  
12 PACIFIC FINANCIAL & MORTGAGE ) ORDER TO DESIST AND REFRAIN  
SERVICES, INC., ) (B&P Code Section 10086)  
13 a California Corporation, )  
14 ROBIN EDWARD WILLS, and )  
AGUSTIN PINEDA )  
15 \_\_\_\_\_ )

16 The Real Estate Commissioner of the State of  
17 California (herein "Commissioner") has determined from evidence  
18 available to the California Department of Real Estate (herein  
19 "the Department") that, while engaged in activities which  
20 require a real estate broker license under the provisions of  
21 Section 10131(d) of the California Business and Professions Code  
22 (herein "the Code"):

23 (a) You, PACIFIC FINANCIAL & MORTGAGE SERVICES, INC.,  
24 a California Corporation (herein "PFMS"), and you, ROBIN EDWARD  
25 WILLS (herein "WILLS"), violated Section 10137 of the Code and  
26 Section 2742(c) of Chapter 6, Title 10, California Code of  
27 Regulations (herein "the Regulations"); and

1 (b) You, AGUSTIN PINEDA (herein "PINEDA"), violated  
2 Section 10130 of the Code.

3 I

4 At all times herein mentioned, you, PFMS, were and now  
5 are licensed by the Department as a corporate real estate broker  
6 by and through you, WILLS, as designated officer-broker of PFMS  
7 to qualify said corporation and to act for said corporation as a  
8 real estate broker.

9 II

10 At all times mentioned herein since on or about  
11 March 1, 2002, the corporate powers, rights and privileges of  
12 you, PFMS, have been and now remain suspended pursuant to the  
13 provisions of Section 23302 of the Revenue and Taxation Code,  
14 reinstatement never having been effected.

15 III

16 At all times herein mentioned, you, PFMS, WILLS and  
17 PINEDA (herein collectively "you") engaged in the business of,  
18 acted in the capacity of, advertised, or assumed to act as real  
19 estate brokers within the State of California within the meaning  
20 of Sections 10131(d) of the Code, including the operation and  
21 conduct of a mortgage loan brokerage with the public wherein, on  
22 behalf of others, for compensation or in expectation of  
23 compensation, you solicited lenders and borrowers for loans  
24 secured directly or collaterally by liens on real property, and  
25 wherein you arranged, negotiated, processed, and consummated  
26 such loans.

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1 IV

2 At all times mentioned herein since on or about  
3 March 1, 2002, you, PFMS and WILLS, employed and compensated  
4 you, Pineda, to perform the acts and conduct the activities  
5 described in Paragraph III, above, including but not limited to  
6 employing and compensating you, Pineda, to negotiate and  
7 arrange the mortgage loan transactions described below in  
8 Paragraphs V through VIII, inclusive, below.

9 V

10 Between on or about September 11, 2002 and on or about  
11 December 4, 2002, in course of the activities, agency and  
12 employment described in Paragraphs III and IV, above, you,  
13 PINEDA, solicited and obtained an application by Jerry W.  
14 Edwards for a \$81,550.00 loan to be secured by a deed of trust  
15 encumbering real property at 10875 Paiute Way, Rancho Cordova,  
16 California, to be arranged by you, PFMS, to refinance an  
17 existing loan encumbering said property, and you, PFMS, WILLS  
18 and PINEDA, thereafter arranged, negotiated, processed, and  
19 consummated said loan.

20 VI

21 Between on or about December 3, 2002 and on or about  
22 February 13, 2003, in course of the activities, agency and  
23 employment described in Paragraphs III and IV, above, you,  
24 PINEDA, solicited and obtained an application by Francisco and  
25 Esperanza Santiago for a \$105,000.00 loan to be secured by a  
26 deed of trust encumbering real property at 6202 Van Maren Lane,  
27 Citrus Heights, California, to be arranged by you, PFMS, to

1 refinance an existing loan encumbering said property, and you,  
2 PFMS, WILLS and PINEDA, thereafter arranged, negotiated,  
3 processed, and consummated said loan.

4 VII

5 Between on or about January 29, 2003 and on or about  
6 February 28, 2003, in course of the activities, agency and  
7 employment described in Paragraphs III and IV, above, you,  
8 PINEDA, solicited and obtained an application by Linda Lilley  
9 for a \$111,750.00 loan to be secured by a deed of trust  
10 encumbering real property at 3285 Costalotta Road, Placerville,  
11 California, to be arranged by you, PFMS, to refinance an  
12 existing loan encumbering said property, and you, PFMS, WILLS  
13 and PINEDA, thereafter arranged, negotiated, processed, and  
14 consummated said loan.

15 VIII

16 Between on or about February 12, 2003 and on or about  
17 April 8, 2003, in course of the activities, agency and  
18 employment described in Paragraphs III and IV, above, you,  
19 PINEDA, solicited and obtained an application by Francisco and  
20 Esperanza Santiago for a \$119,200.00 loan to be secured by a  
21 deed of trust encumbering real property at 5917 Garibaldi  
22 Street, Sacramento, California, to be arranged by you, PFMS, to  
23 refinance an existing loan encumbering said property, and you,  
24 PFMS, WILLS and PINEDA, thereafter arranged, negotiated,  
25 processed, and consummated said loan.

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IX

At no time mentioned herein were you, PINEDA, licensed by the Department as either a real estate broker or as a real estate salesperson.

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In acting as described above, you, PFMS and WILLS, violated Section 10137 of the Code and 2842(c) of the Regulations, and you, PINEDA, violated Section 10130 of the Code.

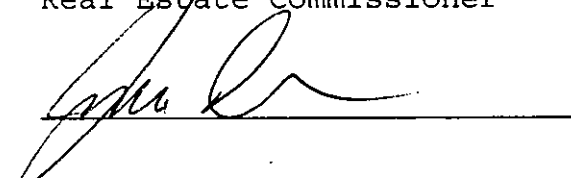
NOW, THEREFORE:

(A) YOU, PACIFIC FINANCIAL & MORTGAGE SERVICES, INC. AND ROBIN EDWARD WILLS, AND YOUR AGENTS AND EMPLOYEES, ARE HEREBY ORDERED TO DESIST AND REFRAIN from performing any activities for which a real estate license is required unless you comply with Section 10137 of the Code and Section 2742(c) of the Regulations; and

(b) YOU, AUGUSTIN PINEDA, AND YOUR AGENTS AND EMPLOYEES, ARE HEREBY ORDERED TO DESIST AND REFRAIN from performing any activities for which a real estate license is required unless you comply with Section 10130 of the Code.

DATED: 10-13-04

JEFF DAVI  
Real Estate Commissioner



cc: PACIFIC FINANCIAL & MORTGAGE SERVICES, INC.  
ROBIN EDWARD WILLS  
3090 FITE CIRCLE, SUITE 102  
SACRAMENTO, CA 95827

AGUSTIN PINEDA  
2951 BEDFORD AVENUE #1  
PLACERVILLE, CA 95667