

FILED

AUG 17 2011

DEPARTMENT OF REAL ESTATE

By K. Contreras

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of)
)
 AMERICAN RIVER REAL)
 ESTATE, INC., a Corporation,)
 SCOTT WOODS, and,)
 LOUIS MASER,)
)
 Respondents.)

NO. H-5200 SAC
and NO. H-5250 SAC

ORDER STAYING EFFECTIVE DATE

(As to Respondents American River Real Estate, Inc., and Scott Woods, Only)

On July 28, 2011, a Decision was rendered in the above-entitled matter to become effective on August 18, 2011.

IT IS HEREBY ORDERED that the effective date of the Decision is stayed as to Respondents AMERICAN RIVER REAL ESTATE, INC., and SCOTT WOODS, only, for a period of ten (10) days. The Decision of July 28, 2011, shall become effective at 12 o'clock noon on August 29, 2011, as to Respondents AMERICAN RIVER REAL ESTATE, INC., and SCOTT WOODS, only.

DATED: 8/16, 2011.

BARBARA J. BIGBY
Acting Real Estate Commissioner

Barbara J. Bigby

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

FILED

JUL 29 2011

DEPARTMENT OF REAL ESTATE

By K. Contreras

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

11 * * *

12 In the Matter of the Second Amended
13 Accusation of:

14 AMERICAN RIVER REAL
15 ESTATE, INC., a Corporation,
16 SCOTT WOODS, and,
17 LOUIS MASER

Respondents.

) DRE No. H-5200 SAC

) STIPULATION AND AGREEMENT IN
) SETTLEMENT AND ORDER

) (as to AMERICAN RIVER REAL ESTATE,
) INC. and SCOTT WOODS Only)

18 In the Matter of the Accusation of:

19 SCOTT WOODS, and
20 GINA RODRIGUEZ

21 Respondents.

) DRE No. H-5250 SAC

) STIPULATION AND AGREEMENT IN
) SETTLEMENT AND ORDER

22
23 It is hereby stipulated by and between Respondents AMERICAN RIVER REAL
24 ESTATE, INC. (herein "ARREI"), SCOTT WOODS (herein "WOODS"), and GINA
25 RODRIGUEZ (herein "RODRIGUEZ") (herein jointly "Respondents"), individually and jointly,
26 acting by and through Marc A. Fisher, attorney of record herein for Respondents, and the
27 Complainant, acting by and through Mary F. Clarke, Counsel for the Department of Real Estate

1 (herein "the Department"), as follows for the purpose of settling and disposing of the Accusation
2 filed on July 30, 2009, and the Second Amended Accusation filed on April 24, 2010, in this
3 matter (herein "the Accusations"):

4 1. All issues which were to be contested and all evidence which was to be
5 presented by Complainant and Respondents at a formal hearing on the Accusations, which
6 hearing was to be held in accordance with the provisions of the Administrative Procedure Act
7 (APA), shall instead and in place thereof be submitted solely on the basis of the provisions of this
8 Stipulation and Agreement in Settlement.

9 2. Respondents have received, read and understand the Statement to Respondent,
10 the Discovery Provisions of the APA and the Accusations filed by the Department in this
11 proceeding.

12 3. Notices of Defense were filed on May 14, 2009, by Respondents ARREI and
13 WOODS and April 12, 2010, by Respondent RODRIGUEZ, pursuant to Section 11505 of the
14 Government Code for the purpose of requesting a hearing on the allegations in the Accusations.
15 Respondents hereby freely and voluntarily withdraw said Notices of Defense. Respondents
16 acknowledge that they understand that by withdrawing said Notices of Defense they will
17 thereby waive their right to require the Commissioner to prove the allegations in the Accusations
18 at a contested hearing held in accordance with the provisions of the APA and that they will
19 waive other rights afforded to them in connection with the hearing such as the right to present
20 evidence in defense of the allegations in the Accusations and the right to cross-examine
21 witnesses.

22 4. Respondents, pursuant to the limitations set forth below, hereby admit that the
23 factual allegations pertaining to them in the Accusations filed in this proceeding are true and
24 correct and the Real Estate Commissioner shall not be required to provide further evidence of
25 such allegations.

26 5. It is understood by the parties that the Real Estate Commissioner may adopt the
27 Stipulation and Agreement in Settlement as his/her decision in this matter thereby imposing the

1 The facts alleged in the Accusation filed July 30, 2009 (H-5250 SAC) are grounds
2 for the suspension or revocation of the license and license rights of Respondents WOODS and
3 RODRIGUEZ under the following provisions of the Code:

- 4 (a) as to Paragraph 7 under Sections 10130 and 10137 of the Code in
5 conjunction with Section 10177(d) of the Code;
- 6 (b) as to Paragraph 8 and Respondent RODRIGUEZ, under Sections
7 10176(a), (b), (i) and/or 10177(g) and/or (j) of the Code;
- 8 (c) as to Paragraph 9 and Respondent RODRIGUEZ, under Section
9 10085.5 in conjunction with Section 10177(d) of the Code;
- 10 (d) as to Paragraph 10 under Section 10085 of the Code in
11 conjunction with Section 10177(d) of the Code;
- 12 (e) as to Paragraph 11 under Section 10085.5 in conjunction
13 with Section 10177(d) of the Code; and,
- 14 (f) as to Paragraph 12 under Sections 10176(i) and/or 10177(g)
15 and/or (j);

16 II

17 The facts alleged in the Second Amended Accusation filed April 24, 2010
18 (H-5200 SAC) are grounds for the suspension or revocation of the licenses and license rights of
19 Respondents ARREI and WOODS under the following provisions of the Code and/or the
20 Regulations:

- 21 (a) as to Paragraph 8, and Respondent ARREI, under Section 10085 of the
22 Code, and Section 2970 of the Regulations, in conjunction with Section 10177(d) of the Code;
- 23 (b) as to Paragraph 10, and Respondent ARREI, under Section 10085.5 of the
24 Code, in conjunction with Section 10177(d) of the Code;
- 25 (c) as to Paragraph 13, and Respondents ARREI and MASER, under Section
26 10085 of the Code, and Section 2970 of the Regulations, in conjunction with Section 10177(d)
27 of the Code;

1 (d) as to Paragraph 15, and Respondents ARREI and MASER, under
2 Section 10085.5 of the Code, in conjunction with Section 10177(d) of the Code;

3 (e) as to Paragraph 16, and Respondent MASER, under Section 10146 of
4 the Code, in conjunction Section 10177(d) of the Code;

5 (f) as to Paragraph 19, and Respondents ARREI and WOODS, under
6 Section 10085 of the Code, and Section 2970 of the Regulations, in conjunction with Section
7 10177(d) of the Code;

8 (g) as to Paragraph 21, and Respondents ARREI and WOODS, under
9 Section 10085.5 of the Code, in conjunction with Section 10177(d) of the Code;

10 (h) as to Paragraph 23(a), and Respondent ARREI, under Section 2832.1 of
11 the Regulations, in conjunction with Section 10177(d) of the Code;

12 (i) as to Paragraph 23(b), and Respondent ARREI, under Section 2831 of
13 the Regulations, in conjunction with Section 10177(d) of the Code;

14 (j) as to Paragraph 23(c), and Respondent ARREI, under Section 2831.1 of
15 the Regulations, in conjunction with Section 10177(d) of the Code;

16 (k) as to Paragraph 23(d), and Respondent ARREI, under Section 2831.2 of
17 the Regulations, in conjunction with Section 10177(d) of the Code;

18 (l) as to Paragraph 23(e), and Respondent ARREI, under Section 10145(g)
19 of the Code and Section 2831.1 of the Regulations, in conjunction Section 10177(d) of the
20 Code;

21 (m) as to Paragraph 23(f), and Respondent ARREI, under Section 2831 of
22 the Regulations, in conjunction with Section 10177(d) of the Code;

23 (n) as to Paragraph 23(g), and Respondent ARREI, under Section 2832 of
24 the Regulations, in conjunction with Section 10177(d) of the Code;

25 (o) as to Paragraph 23(h), and Respondent ARREI, under Section 10085 of
26 the Code, and Section 2970 of the Regulations, in conjunction with Section 10177(d) of the
27 Code;

1 (p) as to Paragraph 23(i), and Respondent ARREI, under Section 10146 of
2 the Code, in conjunction Section 10177(d) of the Code;

3 (q) as to Paragraph 23(j), and Respondent ARREI, under Section 10146 of
4 the Code and Section 2972 of the Regulations, in conjunction Section 10177(d) of the
5 Code;

6 (r) as to Paragraph 23(k), and Respondent ARREI, under Sections 10240
7 and 10241 of the Code, in conjunction Section 10177(d) of the Code; and,

8 (s) as to Paragraph 24, and Respondent WOODS, under Sections
9 10177(g) and (h) and 10159.2 of the Code, and Section 2725 of the Regulations, in
10 conjunction with Section 10177(d) of the Code.

11 ORDER

12 I

13 All licenses and licensing rights of Respondent ARREI under the Real Estate Law
14 are suspended for a period of ninety (90) days from the effective date of this Order; provided,
15 however, that:

16 1. Sixty (60) days of said suspension shall be stayed for two (2) years upon the
17 following terms and conditions:

18 (a) Respondent shall obey all laws, rules and regulations governing the
19 rights, duties and responsibilities of a real estate licensee in the State of California; and

20 (b) That no final subsequent determination be made, after hearing or upon
21 stipulation, that cause for disciplinary action occurred within two (2) years from the effective
22 date of this Order. Should such a determination be made, the Commissioner may, in his/her
23 discretion, vacate and set aside the stay order and reimpose all or a portion of the stayed
24 suspension. Should no such determination be made, the stay imposed herein shall become
25 permanent.

26 2. The remaining thirty (30) days of said 90-day suspension shall be stayed upon
27 the condition that Respondent ARREI petition pursuant to Section 10175.2 of the Code and pays

1 a monetary penalty pursuant to Section 10175.2 of the Code at a rate of \$100.00 for each day of
2 the suspension for a total monetary penalty of \$3,000.00:

3 (a) Said payment shall be in the form of a cashier's check or certified check
4 made payable to the Recovery Account of the Real Estate Fund. Said check must be received by
5 the Department prior to the effective date of the Order in this matter.

6 (b) No further cause for disciplinary action against the real estate licenses
7 of said Respondent occurs within two (2) years from the effective date of the decision in this
8 matter.

9 (c) If Respondent ARREI fails to pay the monetary penalty as provided
10 above prior to the effective date of this Order, the stay of the suspension shall be vacated as to
11 Respondent ARREI and the order of suspension shall be immediately executed, under this
12 Paragraph I of this Order, in which event Respondent ARREI shall not be entitled to any
13 repayment nor credit, prorated or otherwise, for the money paid to the Department under the
14 terms of this Order.

15 (d) If Respondent ARREI pays the monetary penalty and any other moneys
16 due under this Stipulation and Agreement and if no further cause for disciplinary action against
17 the real estate license of Respondent ARREI occurs within two (2) years from the effective date
18 of this Order, the entire stay hereby granted under Paragraphs I and II of this Order, as to
19 Respondent ARREI only, shall become permanent.

20 7. Respondents understand that by agreeing to this Stipulation and Agreement,
21 Respondents ARREI and WOODS jointly and severally agree to pay, pursuant to Section 10148
22 of the Code, the cost of the audit which resulted in the determination that Respondents ARREI
23 and WOODS committed the trust fund violations found in Paragraph II, above, of the
24 Determination of Issues. The amount of said costs is \$6,411.90.

25 8. Respondents ARREI and WOODS, jointly and severally, shall pay the
26 Commissioner's costs, not to exceed \$6,411.90, of any audit conducted pursuant to Section
27 10148 of the Code to determine if Respondents have corrected the violations described in

1 Paragraph II of the Determination of Issues, above. In calculating the amount of the
2 Commissioner's reasonable cost, the Commissioner may use the estimated average hourly salary
3 for all persons performing audits of real estate brokers, and shall include an allocation for travel
4 time to and from the auditor's place of work. Respondents shall pay such cost within 60 days of
5 receiving an invoice therefore from the Commissioner detailing the activities performed during
6 the audit and the amount of time spent performing those activities. If Respondents fail to pay
7 such cost within the 60 days, the Commissioner may in his/her discretion indefinitely suspend
8 all license and licensing rights of Respondent ARREI under the Real Estate Law until payment
9 is made in full or until Respondent ARREI enters into an agreement satisfactory to the
10 Commissioner to provide for payment. Upon payment in full, the indefinite suspension
11 provided in this paragraph shall be stayed.

12
13 II

14 A. All licenses and licensing rights of Respondent WOODS under the Real
15 Estate Law are suspended until such time as Respondent WOODS provides proof satisfactory
16 to the Commissioner that Respondent WOODS has, within one hundred twenty (120) days
17 prior to the effective date of the Decision herein completed the continuing education course
18 on trust fund accounting and handling specified in subdivision (a) of Section 10170.5 of the
19 Code.

20 B. All licenses and licensing rights of Respondent WOODS under the Real
21 Estate Law are suspended for a period of ninety (90) days from the effective date of this
22 Order; provided, however, that:

23 1. Sixty (60) days of said suspension shall be stayed for two (2) years
24 upon the following terms and conditions:

25 a. Respondent WOODS shall obey all laws, rules and regulations
26 governing the rights, duties and responsibilities of a real estate licensee in the State of
27 California; and

1 effective date of this Order, the entire stay hereby granted under Paragraphs I and II of this
2 Order, as to Respondent WOODS only, shall become permanent.

3 3. Respondents WOODS and ARREI understand that by agreeing to this
4 Stipulation and Agreement, Respondents jointly and severally agree to pay, pursuant to Section
5 10148 of the Code, the cost of the audit which resulted in the determination that Respondents
6 committed the trust fund violation(s) found in Paragraph II, above, of the Determination of
7 Issues. The amount of said costs is \$6,411.90.

8 4. Respondents ARREI and WOODS, jointly and severally, shall pay the
9 Commissioner's costs, not to exceed \$6,411.90, of any audit conducted pursuant to Section
10 10148 of the Code to determine if Respondents have corrected the violations described in
11 Paragraph II of the Determination of Issues, above. In calculating the amount of the
12 Commissioner's reasonable cost, the Commissioner may use the estimated average hourly salary
13 for all persons performing audits of real estate brokers, and shall include an allocation for travel
14 time to and from the auditor's place of work. Respondents shall pay such cost within 60 days of
15 receiving an invoice therefore from the Commissioner detailing the activities performed during
16 the audit and the amount of time spent performing those activities. If Respondents fail to pay
17 such cost within the 60 days, the Commissioner may in his/her discretion indefinitely suspend
18 all license and licensing rights of Respondent ARREI under the Real Estate Law until payment
19 is made in full or until Respondent ARREI enters into an agreement satisfactory to the
20 Commissioner to provide for payment. Upon payment in full, the indefinite suspension
21 provided in this paragraph shall be stayed.

22 III

23 All licenses and licensing rights of Respondent RODRIGUEZ under the Real
24 Estate Law are suspended for a period of ninety (90) days from the effective date of this Order;
25 provided, however, that:

1 1. Sixty (60) days of said suspension shall be stayed for two (2) years upon the
2 following terms and conditions:

3 (a) Respondent shall obey all laws, rules and regulations governing the
4 rights, duties and responsibilities of a real estate licensee in the State of California; and

5 (b) That no final subsequent determination be made, after hearing or upon
6 stipulation, that cause for disciplinary action occurred within two (2) years from the effective
7 date of this Order. Should such a determination be made, the Commissioner may, in his/her
8 discretion, vacate and set aside the stay order and reimpose all or a portion of the stayed
9 suspension. Should no such determination be made, the stay imposed herein shall become
10 permanent.

11 2. The remaining thirty (30) days of said 90-day suspension shall be stayed upon
12 the condition that Respondent RODRIGUEZ petition pursuant to Section 10175.2 of the Code
13 and pays a monetary penalty pursuant to Section 10175.2 of the Code at a rate of \$50.00 for each
14 day of the suspension for a total monetary penalty of \$1,500.00:

15 (a) Said payment shall be in the form of a cashier's check or certified check
16 made payable to the Recovery Account of the Real Estate Fund. Said check must be received by
17 the Department prior to the effective date of the Order in this matter.

18 (b) No further cause for disciplinary action against the real estate licenses
19 of said Respondent occurs within two (2) years from the effective date of the decision in this
20 matter.

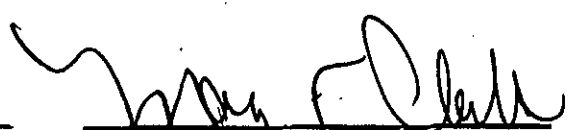
21 (c) If Respondent RODRIGUEZ fails to pay the monetary penalty as
22 provided above prior to the effective date of this Order, the stay of the suspension shall be
23 vacated as to Respondent RODRIGUEZ and the order of suspension shall be immediately
24 executed, under this Paragraph I of this Order, in which event Respondent RODRIGUEZ shall
25 not be entitled to any repayment nor credit, prorated or otherwise, for the money paid to the
26 Department under the terms of this Order.

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(d) If Respondent RODRIGUEZ pays the monetary penalty and any other moneys due under this Stipulation and Agreement and if no further cause for disciplinary action against the real estate license of Respondent RODRIGUEZ occurs within two (2) years from the effective date of this Order, the entire stay hereby granted under Paragraphs I and II of this Order, as to Respondent RODRIGUEZ only, shall become permanent.

8-17-10

DATED



MARY F. CLARKE, Counsel
DEPARTMENT OF REAL ESTATE

I have read the Stipulation and Agreement and its terms are understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509, and 11513 of the Government Code), and I willingly, intelligently, and voluntarily waive those rights, including the right of requiring the Commissioner to prove the allegations in the Accusation at a hearing at which I would have the right to cross-examine witnesses against me and to present evidence in defense and mitigation of the charges.

8-16-10

DATED

AMERICAN RIVER REAL ESTATE, INC.
Respondent

By: 
SCOTT WOODS
Designated Officer - Broker

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8-16-10

DATED

Scott Woods

SCOTT WOODS
Respondent

8-16-10

DATED

Gina Rodriguez

GINA RODRIGUEZ
Respondent

I have reviewed the Stipulation and Agreement as to form and content and have advised my clients accordingly.

DATED

MARC A. FISHER
Attorney for Respondent

The foregoing Stipulation and Agreement in Settlement and Order is hereby adopted by me as my Decision in this matter and shall become effective at 12 o'clock noon on _____

IT IS SO ORDERED _____

Real Estate Commissioner

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DATED

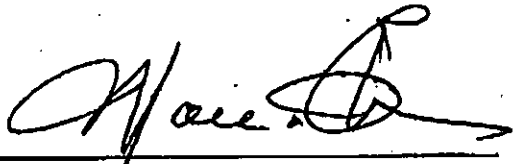
SCOTT WOODS
Respondent

DATED

GINA RODRIGUEZ
Respondent

I have reviewed the Stipulation and Agreement as to form and content and have advised my clients accordingly.

8/16/10
DATED

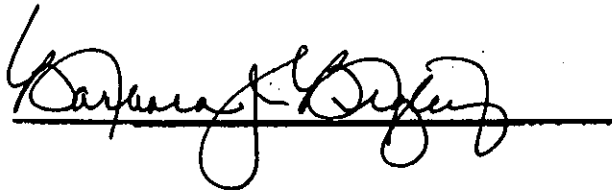

MARC A. FISHER
Attorney for Respondent

The foregoing Stipulation and Agreement in Settlement and Order is hereby adopted by me as my Decision in this matter and shall become effective at 12 o'clock noon on August 18, 2011

IT IS SO ORDERED

7/28/11

BARBARA J. BIGBY
Acting Real Estate Commissioner



1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 187007
3 Sacramento, CA 95818-7007

4 Telephone: (916) 227-0791

FILED

APR 13 2010

DEPARTMENT OF REAL ESTATE

By K. Contreras

7 BEFORE THE DEPARTMENT OF REAL ESTATE
8 STATE OF CALIFORNIA

9 * * *

10 In the Matter of the Accusation of

11 SCOTT WOODS, and
12 GINA RODRIGUEZ,

Respondent.

NO. H-5250 SAC
(As to Gina Rodriguez Only)

13 ORDER VACATING DEFAULT DECISION

14 On February 23, 2010, a Default Order was filed as to Respondent GINA
15 RODRIGUEZ only. Thereafter, on March 10, 2010, a Decision was rendered revoking the real
16 estate salesperson license of Respondent GINA RODRIQUEZ, effective April 12, 2010.

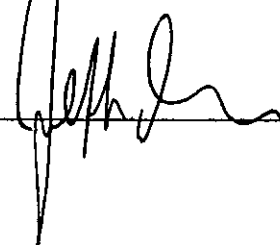
17 On April 12, 2010, good cause was presented to set aside the Default Order of
18 February 23, 2010, and to vacate the Decision of March 10, 2010, and to have the matter
19 remanded to the Office of Administrative Hearings as a contested matter.

20 NOW, THEREFORE, IT IS ORDERED THAT THE Default Order of February 23,
21 2010, is set aside and the Default Decision of March 10, 2010, is vacated and that the Matter of
22 the Accusation filed on July 30, 2009, is remanded to the Office of Administrative Hearings.

23 This Order shall be effective immediately.

24 DATED: April 12, 2010

25 JEFF DAVI
26 Real Estate Commissioner

27 

FILED

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

MAR 22 2010

DEPARTMENT OF REAL ESTATE

By K. Contreras

In the Matter of the Accusation of)
)
 SCOTT WOODS, and)
 GINA RODRIGUEZ,)
)
 Respondents.)

NO. H-5250 SAC
(As to Gina Rodriguez Only)

DECISION

This Decision, as to Respondent GINA RODRIGUEZ only, is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on February 23, 2010. The Findings of Fact set forth herein are based on one or more of the following: (1) Respondent RODRIGUEZ's express admissions; (2) affidavits; and/or, (3) other evidence.

This Decision as to Respondent RODRIGUEZ revokes a real estate license on grounds of misrepresentations, false promises, fraud and/or dishonest dealing, and/or negligence in connection with the performance of loan modification services, including the collection of advanced fees, prior to a review and approval of the advanced materials by the Department of Real Estate (herein "the Department").

The right to reinstatement of a revoked real estate license is controlled by Section 11522 of the Government Code. A copy of Section 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of Respondent RODRIGUEZ.

FINDINGS OF FACT

1

On about October 9, 2008, Respondent RODRIGUEZ, representing KI, solicited Sarah and David Picton (the Pictons) in order to provide loan modification services to prevent foreclosure on the Pictons' three (3) properties, as set out below, from being lost in foreclosure:

- a) 8060 Stallion Way Sacramento, 95830;
- b) 4816 17th Ave., Sacramento, CA 95820; and
- c) 42 Moonlit Circle, Sacramento, CA 95831,

in violation of Sections 10130 and 10137 of the California Business and Professions Code (herein the "Code").

2

On about October 9, 2008, Respondent RODRIGUEZ represented to the Pictons that she would reduce the principal balance on their home or the Pictons would receive 100 percent of their money back, when, in fact, no loan modification was ever performed or completed and no funds were ever reimbursed to the Pictons, in violation of Sections 10176(a), (b), (i) and/or 10177(g) and/or (j) of the Code.

3

On about October 9, 2008, three (3) Negotiation Contracts, one for each property, were entered into between David Picton and "Loan Redux A Division of KI Systems, LLC" as described in Paragraph 1, above, wherein Loan Redux would provide loan modification services in exchange for a fee of \$2,500.00, which included a "processing & packaging" fee of \$1,250.00, the remaining \$1,250.00 to be paid "on completion." Said contracts were entered into prior to receiving a "no objection" letter from the Department, in violation of Section 10085 of the Code.

4

On about October 9, 2008, in reliance on Respondent RODRIGUEZ's representations, the Pictons delivered three (3) checks made out to Loan Redux, each for \$1,200.00, to Respondent RODRIGUEZ, in violation of Section 10185.5 of the Code.

5

On about October 9, 2008, in furtherance of Respondent RODRIGUEZ's plan and scheme to provide loan modification services to the Pictons, RODRIGUEZ collected, and cashed, the advance fee checks described in Paragraph 4, above, in the amount of about \$3,600.00, which represented \$1,200.00 for each property, in violation of Section 10085.5 of the Code.

6

After having delivered said checks to Respondent RODRIGUEZ, described in Paragraphs 4 and 5, above, the Pictons received no further communication or services of any type from Respondent RODRIGUEZ, in violation of Sections 10176(i) and/or 10177(g) and/or (j) of the Code.

DETERMINATION OF ISSUES

1

The facts found above constitute cause for suspension or revocation of the license and license rights of Respondent RODRIGUEZ under Sections 10085, 10085.5, 10176(a), (b), (i) and/or 10177(g) and/or (j) of Code.

2

The standard of proof applied is clear and convincing proof to a reasonable certainty.

ORDER

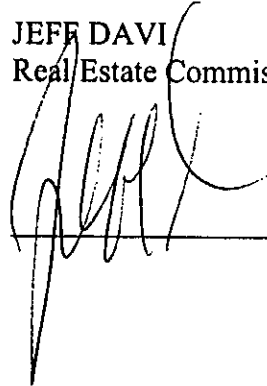
The real estate license and license rights of Respondent GINA RODRIGUEZ under the provisions of Part I of Division 4 of the California Business and Professions Code are hereby revoked.

This Decision shall become effective at 12 o'clock noon on April 12,

2010.

DATED: 3/16, 2010.

JEFF DAVIS
Real Estate Commissioner



*Order
vacated*

1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 187007
3 Sacramento, CA 95818-7007

4 Telephone: (916) 227-0789

FILED

FEB 23 2010

DEPARTMENT OF REAL ESTATE

By K. Contreras

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)

12 SCOTT WOODS)
13 GINA RODRIGUEZ,)

14 Respondents.)

NO. H-5250 SAC

DEFAULT ORDER

(As to Gina Rodriguez Only)

15 Respondent, GINA RODRIGUEZ, having failed to file a Notice of
16 Defense within the time required by Section 11506 of the Government Code, is now in
17 default. It is, therefore, ordered that a default be entered on the record in this matter as to
18 GINA RODRIGUEZ only.

19 IT IS SO ORDERED February 16, 2010.

20
21 JEFF DAVI
22 Real Estate Commissioner

23
24 By:

Charles W. Koenig
25 CHARLES W. KOENIG
26 Regional Manager
27

1 MARY F. CLARKE, Counsel (SBN 186744)
2 Department of Real Estate
3 P. O. Box 187007
4 Sacramento, CA 95818-7007

5 Telephone: (916) 227-0789
6 -or- (916) 227-0780 (Direct)

FILED

JUL 30 2009

DEPARTMENT OF REAL ESTATE

By H. Contreras

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

11 * * *

12 In the Matter of the Accusation of)

13)
14 SCOTT WOODS, and)
15 GINA RODRIGUEZ,)

16 Respondents.)
17)

NO. H- 5250 SAC

ACCUSATION

18 The Complainant, JOE M. CARRILLO, a Deputy Real Estate Commissioner of
19 the State of California, for Accusation against SCOTT WOODS (herein "WOODS") and
20 GINA RODRIGUEZ (herein "RODRIGUEZ") (herein collectively "Respondents") is informed
21 and alleges as follows:

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23 Complainant makes this Accusation against Respondents in his official capacity.

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25 At all times herein mentioned, Respondents were and now are licensed and/or
26 have license rights under the Real Estate Law (Part 1 of Division 4 of the Business and
27 Professions Code) (herein "the Code").

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2 At all times mentioned herein, Respondent WOODS was and now is licensed
3 by the Department of Real Estate (herein "Department") as a real estate broker. Further,
4 Respondent WOODS is the managing member of KI Systems, LLC (herein "KI"), dba Loan
5 Redux, referred to in Paragraph 10, below.

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7 At all times mentioned herein, Respondent RODRIGUEZ was and now is
8 licensed by the Department as a real estate salesperson. Respondent RODRIGUEZ has been in
9 the employ of Respondent WOODS, as of February 27, 2009; between about August 23, 2006
10 and December 30, 2008, Respondent RODRIGUEZ was employed by Norcal Gold, Inc.

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12 At all times mentioned herein, Respondent WOODS engaged in the business of,
13 acted in the capacity of, advertised, or assumed to act as a real estate broker within the State of
14 California within the meaning of Section 10131(d) of the Code, including the operation and
15 conduct of a mortgage loan brokerage with the public wherein, on behalf of others, for
16 compensation or in expectation of compensation, Respondent WOODS solicited lenders or
17 borrowers for or negotiated loans or collected payments or performed services for borrowers or
18 lenders or note owners in connection with loans secured directly or collaterally by liens on real
19 property or on a business opportunity.

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21 At all times mentioned herein, Respondent RODRIGUEZ, solicited borrowers
22 and negotiated to do one or more of the following acts for another or others, for or in
23 expectation of compensation: negotiate one or more loans for, or perform services for,
24 borrowers and/or lenders in connection with loans secured directly or collaterally by one or
25 more liens on real property; and charge, demand or collect advanced fees for any of the services
26 offered.

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2 On about October 9, 2008, Respondent RODRIGUEZ, representing KI, solicited
3 Sarah and David Picton (the Picton's) in order to provide loan modification services to save the
4 Picton's three (3) properties, as set out below, from being lost in foreclosure:

- 5 a) 8060 Stallion Way Sacramento, 95830;
6 b) 4816 17th Ave., Sacramento, CA 95820; and,
7 c) 42 Moonlit Circle, Sacramento, CA 95831,

8 in violation of Sections 10130 and 10137 of the Code.

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10 On about October 9, 2008, Respondent RODRIGUEZ represented to the
11 Picton's that she would reduce the principal balance on their home or the Picton's would receive
12 100 percent of their money back, when, in fact, no loan modification was ever performed or
13 completed and no funds were ever reimbursed to the Picton's, in violation of Sections 10176(a),
14 (b), (i) and/or 10177(g) and/or (j) of the Code.

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16 On about October 9, 2008, in furtherance of Respondents' plan and scheme to
17 provide loan modification services to the Picton's, Respondent RODRIGUEZ requested advance
18 fees from the Picton's in the amount of about \$3,600.00, which represented \$1,200.00 for each
19 property, in violation of Section 10085.5 of the Code.

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21 On about October 9, 2008, three (3) Negotiation Contracts, one for each property,
22 were entered into between David Picton and "Loan Redux A Division of KI Systems, LLC" as
23 described in Paragraph 7, above, wherein Loan Redux would provide loan modification services
24 in exchange for a fee of \$2,500.00, which included a "processing & packaging" fee of \$1,250.00,
25 the remaining \$1,250.00 to be paid "on completion." Said contracts were entered into prior to
26 Respondents having received a "no objection" letter from the Department, in violation of Section
27 10085 of the Code.

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On about October 9, 2008, in reliance on Respondent RODRIGUEZ' representations, the Picton's delivered three (3) checks made out to Loan Redux, each for \$1,200.00, to Respondent RODRIGUEZ, in violation of Section 10185.5 of the Code.

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After the Picton's delivered the checks to Respondent RODRIGUEZ, as mentioned in Paragraph 11, above, the Picton's received no further communication or services of any type from Respondents, in violation of Sections 10176(i) and/or 10177(g) and/or (j).

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The facts alleged above are grounds for the suspension or revocation of the license and license rights of Respondents WOOD and RODRIGUEZ under the following provisions of the Code:

- (a) as to Paragraph 7 and Respondents WOOD and RODRIGUEZ under Sections 10130 and 10137 of the Code in conjunction with Section 10177(d) of the Code;
- (b) as to Paragraph 8 and Respondent RODRIGUEZ, under Sections 10176(a), (b), (i) and/or 10177(g) and/or (j) of the Code;
- (c) as to Paragraph 9 and Respondent RODRIGUEZ, under Section 10085.5 in conjunction with Section 10177(d) of the Code;
- (d) as to Paragraph 10 and Respondents WOOD and RODRIGUEZ under Section 10085 of the Code in conjunction with Section 10177(d) of the Code;
- (e) as to Paragraph 11 and Respondents WOOD and RODRIGUEZ under Section 10085.5 in conjunction with Section 10177(d) of the Code;
and,
- (f) as to Paragraph 12 and Respondents WOOD and RODRIGUEZ under Sections 10176(i) and/or 10177(g) and/or (j).

1 WHEREFORE, Complainant prays that a hearing be conducted on the allegations
2 of this Accusation and that upon proof thereof a decision be rendered imposing disciplinary
3 action against all licenses and license rights of Respondents under the Real Estate Law (Part 1 of
4 Division 4 of the Business and Professions Code) and for such other and further relief as may be
5 proper under other applicable provisions of law.
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JOE M. CARRILLO
Deputy Real Estate Commissioner

12 Dated at Sacramento, California
13 this 12 day of June, 2009
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