

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

4 Telephone: (916) 227-0789

FILED

AUG 11 2009

DEPARTMENT OF REAL ESTATE

By 

8 STATE OF CALIFORNIA

9 DEPARTMENT OF REAL ESTATE

10 TO: )  
11 ) NO. H-5259 SAC  
12 CAPITAL MORTGAGE )  
13 AND INVESTMENT, INC., ) ORDER TO DESIST AND REFRAIN  
14 and/or any other names or ) (B&P Code Section 10086)  
15 fictitious names )

16 The Commissioner (Commissioner) of the California Department of Real Estate  
17 (Department) caused an investigation to be made of the activities of CAPITAL MORTGAGE  
18 AND INVESTMENT, INC. (CMI). Based on that investigation, the Commissioner has  
19 determined that CMI has engaged in acts or practices constituting violations of the California  
20 Business and Professions Code (Code), including Section 10130 (engaging in the business of  
21 advertising or assuming to act as a real estate broker without first obtaining a real estate  
22 license). Furthermore, based on the investigation, the Commissioner hereby issues the  
23 following Findings of Fact, Conclusions of Law, and Desist and Refrain Order under the  
24 authority of Section 10086 of the Code.

25 FINDINGS OF FACT

26 1. At no time herein mentioned has CMI been licensed by the Department in  
27 any capacity.



1 DESIST AND REFRAIN ORDER

2 Based on the Findings of Fact and Conclusions of Law stated herein, you,  
3 CMI, whether doing business under your own names, or any other names or  
4 fictitious names, ARE HEREBY ORDERED to

5 1. Immediately desist and refrain from performing any acts within the State  
6 of California for which a real estate broker license is required. In particular, you are ordered to  
7 desist and refrain from:

- 8 (i) soliciting borrowers and/or performing services for borrowers or lenders  
9 in connection with loans secured directly or collaterally by one or more  
10 liens on real property, and  
11 (ii) from charging, demanding, or collecting compensation for any of the  
12 services you offer to others, unless and until you obtain a real estate  
13 broker license issued by the Department, and until you demonstrate and  
14 provide evidence satisfactory to the Commissioner that you are in full  
15 compliance with all of the requirements of the Code and Regulations  
16 relating to charging, collecting, and accounting fees from private lenders.

17 2. Immediately desist and refrain from using an unlicensed company to  
18 conduct real estate activities for compensation or in expectation of compensation.

19 DATED: 8-6-09

20 JEFF DAVI  
21 Real Estate Commissioner

22 By   
23 \_\_\_\_\_

24 **Notice:** Business and Professions Code Section 10139 provides that "Any person acting as a  
25 real estate broker or real estate salesperson without a license or who advertises using words  
26 indicating that he or she is a real estate broker without being so licensed shall be guilty of a  
27 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)."

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cc: Capital Mortgage and Investment, Inc.  
ATTN: Roger Lathrop Goss  
2694 La Canada Court  
Cameron Park, CA 95682