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1	DEPARTMENT OF REAL ESTATE		
2	Sacramento, CA 95818-7007		
3	Telephone: (916) 227-0789 AUG 1 1 2009		
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8	STATE OF CALIFORNIA		
9	DEPARTMENT OF REAL ESTATE		
10			
11	TO:) NO. H-5259 SAC		
12	CAPITAL MORTGAGE) AND INVESTMENT, INC.,) <u>ORDER TO DESIST AND REFRAIN</u>		
13	and/or any other names or) (B&P Code Section 10086) fictitious names)		
14			
15	The Commissioner (Commissioner) of the Colifornia Department of Poel Estate		
16	The Commissioner (Commissioner) of the California Department of Real Estate (Department) caused an investigation to be made of the activities of CAPITAL MORTGACE		
17	(Department) caused an investigation to be made of the activities of CAPITAL MORTGAGE AND INVESTMENT, INC. (CMI). Based on that investigation, the Commissioner has		
18			
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 following Findings of Fact, Conclusions of Law, and Desist and Refrain Order under the		
23	authority of Section 10086 of the Code.		
24	FINDINGS OF FACT		
25	1. At no time herein mentioned has CMI been licensed by the Department in		
26	any capacity.		
27	any capacity.		
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 2.
 Beginning on or about June 2007, CMI engaged in the business of, acted

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 in the capacity of, advertised or assumed to act as a real estate broker on behalf of CMI.

3 3. CMI solicited lenders and borrowers for loans secured directly or
4 collaterally by liens on real property.

4. These loans for private lenders were arranged, negotiated, processed, and
consummated by CMI, for compensation or in expectation of compensation. Such activities
include, but are not limited to the following:

8	BORROWER	PROPERTY ADDRESS
.9	Steven Lewis	15266 Skaith Road, Nevada City, California
10	Ralph Sjursen	27405 Rollins Lake Road, Colfax, California
11	Isiah Marsh	16833 Giants Causeway, Grass Valley,
12		California
13	Michael Rochform and Sheila Stein	429 Sacramento Street, Nevada City, California
14	Kristine Wade	16894 Old Downieville Highway, California
15	Kristine Wade	12848 Nevada City Highway, California
16	Carolyn Douglas	11653 Emerald Lane,
17	CONC	LUSIONS OF LAW

18 5. Based on the findings of fact contained in paragraphs 1 through 8, CMI, acting by and/or through one or more agents, associates, affiliates, and/or co-conspirators, and 19 20 using the name Capital Mortgage and Investment, Inc. or other names or fictitious names 21 unknown at this time, solicited borrowers and performed services for those borrowers and/or 22 those borrowers' lenders in connection with loans secured directly or collaterally by one or more 23 liens on real property. CMI, charged, demanded and collected compensation for these services 24 to be provided, which acts require a real estate broker license under Sections 10130, 10131(d) 25 and 10131.2 of the Code. 26 ///

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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:				
20	JEFF DAVI				
21	Real Estate Commissioner				
. 22	ByWWW_~				
23					
24	Notice: Business and Professions Code Section 10139 provides that "Any person acting as a real estate broker or real estate salesperson without a license or who advertises using month."				
25	Il management of the real optime of the opti				
26	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, he punished by a fine net exceeding sixte the user of dollars				
27	imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars (\$60,000)."				
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1	cc:	Capital Mortgage and Investment, Inc.	
2		ATTN: Roger Lathrop Goss 2694 La Canada Court	
3		Cameron Park, CA 95682	
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