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

Telephone: (916) 227-0789



OCT - 8 2009

DEPARTMENT OF REAL ESTATE

BETTAKING OF REAL ESTATE

STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

To:

TRIBECA FINANCIAL, INC.,
DAMARIS RIVERA,
MARQUISE O. MURPHY, and
SALVADOR SOLORZANO.

No. H-10767 SF

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

The Commissioner (Commissioner) of the California Department of Real Estate (Department) caused an investigation to be made of the activities of TRIBECA FINANCIAL, INC. (TRIBECA), DAMARIS RIVERA (RIVERA), MARQUISE O. MURPHY (MURPHY), and SALVADOR SOLORZANO aka SALVADOR SMITH (SMITH). Based on the investigation, the Commissioner has determined that TRIBECA, RIVERA, MURPHY, and SMITH, have engaged in, are engaging in, or are attempting to engage in, acts or practices constituting violations of the California Business and Professions Code (Code) and/or Title 10, Chapter 6, California Code of Regulations (Regulations), including the business of, acting in the capacity of, and/or advertising or assuming to act as, a real estate broker in the State of California within the meaning of Section 10131(d) (performing services for borrowers in connection with loans secured by real property) of the Code. Furthermore, based on the investigation, the Commissioner hereby issues the following Findings of Fact, Conclusions of Law, and Desist and Refrain Order under the authority of Section 10086 of the Code.

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Whenever acts referred to below are attributed to TRIBECA, those acts are alleged to have been done by RIVERA, MURPHY, and/or SMITH, acting by themselves, or by and/or through one or more agents, associates, affiliates, and/or co-conspirators, and using the names TRIBECA FINANCIAL, INC., TRIBECA FINANCIAL GROUP, or other names or fictitious names unknown at this time.

FINDINGS OF FACT

- 1. At no time herein mentioned has TRIBECA, RIVERA, MURPHY, or SMITH been licensed by the Department in any capacity.
- 2. During the period of time set out below, TRIBECA, acting by and through RIVERA, MURPHY, SMITH, and/or other agents, associates, affiliates, and/or coconspirators solicited one or more borrowers and negotiated to do one or more of the following acts for another or others, for or in expectation of compensation: negotiate one or more loans for, or perform services for, borrowers and/or lenders in connection with loans secured directly or collaterally by one or more liens on real property; and charge, demand or collect an advance fee for any of the services offered, in violation of Sections 10130 (real estate broker license required to perform certain acts), 10085.5 (real estate broker license required to charge or collect an advance fee), and 10139 (criminal penalties for unlicensed activity) of the Code.
- 3. On or about January 13, 2009, TRIBECA, acting through RIVERA, MURPHY, and/or SMITH, solicited Jose Ochoa (Ochoa) to negotiate a loan modification concerning his property located at 366 Topaz St., Brentwood, CA, in which TRIBECA would negotiate a loan modification for Ochoa's loan from Downey Savings (Downey); and Ochoa agreed to pay, and did pay to TRIBECA, as its fee for services, the sum of \$3,500, in violation of Sections 10130, 10085.5, and 10139 of the Code.

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CONCLUSIONS OF LAW

4. Based on the findings of fact contained in paragraphs 1 through 3, TRIBECA, acting by and/or through one or more agents, associates, affiliates, and/or coconspirators, including RIVERA, MURPHY, and/or SMITH and using the name TRIBECA FINANCIAL, INC., TRIBECA FINANCIAL GROUP, or other names or fictitious names unknown at this time, solicited one or more borrowers and performed services for those borrowers and/or those borrowers' lenders in connection with loans secured directly or collaterally by one or more liens on real property, acts which require a real estate license under Section 10131(d) of the Code, during a period of time when TRIBECA, RIVERA, MURPHY, and SMITH were not licensed by the Department in any capacity.

DESIST AND REFRAIN ORDER

Based on the Findings of Fact and Conclusions of Law stated herein, you
TRIBECA FINANCIAL GROUP, DAMARIS RIVERA, MARQUISE O.
MURPHY, and SALVADOR SOLORZANO aka SALVADOR SMITH, doing business under
your own names, the names TRIBECA FINANCIAL, INC., TRIBECA FINANCIAL GROUP,
or any other names or fictitious names, ARE HEREBY ORDERED to

- 1. immediately desist and refrain from performing any acts within the State of California for which a real estate broker license is required. In particular, you are ordered to desist and refrain from:
- (i) soliciting borrowers and/or performing services for borrowers or lenders in connection with loans secured directly or collaterally by one or more liens on real property, and
- (ii) from charging, demanding, or collecting an advance fee for any of the services you offer to others, unless and until you obtain a real estate broker license issued by the Department, and until you demonstrate and provide evidence satisfactory to the Commissioner that you are in full compliance with all of the requirements of the Code and Regulations relating to charging, collecting, and accounting for advance fees, including Section 10146 (place all previously collected advance fees into a trust account for that purpose) of the Code and Sections

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2970 (an advance fee agreement must be submitted to the Department and be in compliance		
with the Regulations) and 2972 (must provide an accounting to trust fund owner-beneficiaries		
of the	Regulations.	
	DATED: 10-5-09	<u></u>
	ı	JEFF DAVI
		Real Estate Commissioner
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		By Dayang & Duffey
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Notice	: Business and Professions Code Section 1	0139 provides that "Any person acting as a
real estate broker or real estate salesperson without a license or who advertises using words indicating that he or she is a real estate broker without being so licensed shall be guilty of a 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		
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то:	Tribeca Financial Group	Damaris Rivera
	2272 Camino Ramon, Suite 300 San Ramon, CA 94583	2272 Camino Ramon, Suite 300 Hayward, CA 94544
	Marquise O. Murphy	
	7980 Fall Creek Rd., #303	· .
	Dublin, CA 94568	
	Salvador Solorzano aka Salvador Smith individually and as agent for service of process for Tribeca Financial, Inc.	
2272 Camino Ramon, Suite 300		
San Ramon, CA 94583		
	Notice real es indica public impris impris (\$60,0	with the Regulations) and 2972 (must provide an a of the Regulations. DATED:/O-S-O9 Notice: Business and Professions Code Section 1 real estate broker or real estate salesperson without indicating that he or she is a real estate broker with public offense punishable by a fine not exceeding t imprisonment in the county jail for a term not to eximprisonment; or if a corporation, be punished by a (\$60,000)." TO: Tribeca Financial Group 2272 Camino Ramon, Suite 300 San Ramon, CA 94583 Marquise O. Murphy 7980 Fall Creek Rd., #303 Dublin, CA 94568 Salvador Solorzano aka Salvador Smith individually and as agent for service of process.