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1	BUREAU OF REAL ESTATEP. O. Box 137007FEB 2 4 2014
2	Sacramento, CA 95813-7007 BUREAU OF REAL ESTATE
3	Telephone: (916) 263-8670 By R. J.
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8	STATE OF CALIFORNIA
9	BUREAU OF REAL ESTATE
10	* * *
11	To:)
12) No. H-11657 SF
12) ORDER TO DESIST AND REFRAIN (B&P Code Section 10086)
14)
15	The Commissioner (Commissioner) of the California Bureau of Real Estate
16	(Bureau) caused an investigation to be made of the activities of LYDIA I. CANDILA
17	(CANDILA). Based on that investigation, the Commissioner has determined that CANDILA
18	has engaged in, is engaging in, or is attempting to engage in, acts or practices constituting
19	violations of the California Business and Professions Code (Code) and/or Title 10, Chapter 6,
20	California Code of Regulations (Regulations), including the business of, acting in the capacity
21	of, and/or advertising or assuming to act as, a real estate broker in the State of California within
22	the meaning of Sections 10131(d) (performing services for borrowers and/or lenders in
23	connection with loans secured by real property) and 10131.2 (real estate broker license required
24	to charge and collect an advance fee) of the Code. Furthermore, based on the investigation, the
25	Commissioner hereby issues the following Findings of Fact, Conclusions of Law, and Desist
26	and Refrain Order under the authority of Section 10086 of the Code.
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FINDINGS OF FACT

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2 1. At no time since November 8, 2007, has CANDILA been licensed by the 3 Bureau in any capacity. Effective November 8, 2007, CANDILA's real estate salesperson 4 license was revoked in case H-9722 SF. 5 2. During the period of time set forth below, CANDILA solicited borrowers and negotiated to do one or more of the following acts for another or others, for or in expectation 6 7 of compensation: negotiated one or more loans for, or performed services for, borrowers and/or 8 lenders in connection with loans secured directly or collaterally by one or more liens on real 9 property; and charged, demanded or collected an advance fee for any of the services offered. 10 3. Beginning on or about March, 2011, CANDILA solicited Maribel E. 11 (Maribel) in order to provide a loan modification and negotiation services on behalf of Maribel in 12 connection with a loan secured by real property located at 2140 Oakwood Drive, East Palo Alto, 13 California. 14 4. On or about March 2011, CANDILA demanded and received an advance fee of \$3,000 from Maribel for the activities described in Paragraph 3. 15 16 CONCLUSIONS OF LAW 17 5. Based on the findings of fact contained in paragraphs 1 through 4, CANDILA solicited one or more borrowers to perform services for those borrowers and/or those 18 19 borrowers' lenders in connection with loans secured directly or collaterally by one or more liens 20 on real property located within the State of California, and charged, demanded or collected advance fees for the services to be provided, which acts require a real estate broker license under 21 Sections 10131(d) (real estate license required for enumerated acts) and 10131.2 (real estate 22 broker license required to charge or collect an advance fee) of the Code, in violation of Section 23 24 10130 of the Code. 25 /// 26 /// 27 ///

1 CANDILA used a form of advance fee agreement which had not been 6. 2 provided to the Bureau for its prior review and consideration, in violation of Section 10085 of the Code (prior submission of advance fee materials required) and Section 2970 (details for 3 4 prior submission of advance fee materials) of the Regulations. 5 DESIST AND REFRAIN ORDER 6 Based on the Findings of Fact and Conclusions of Law stated herein, LYDIA I. 7 CANDILA, whether doing business under her own name, or any other name or fictitious name, 8 IS HEREBY ORDERED to: 9 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, CANDILA is 10 11 ordered to desist and refrain from soliciting borrowers and/or performing services for borrowers 12 or lenders in connection with loans secured directly or collaterally by one or more liens on real 13 property, unless and until you obtain a real estate broker license issued by the Bureau. Immediately desist and refrain from charging, demanding, claiming, 14 2. collecting and/or receiving advance fees, as that term is defined in Section 10026 of the Code, 15 for any of the services CANDILA offers to others, unless and until CANDILA demonstrates and 16 17 provides evidence satisfactory to the Commissioner that CANDILA is properly licensed by the 18 Bureau as a real estate broker, and that CANDILA: 19 (A) Has an advance fee agreement which has been submitted to the Bureau 20 and which is in compliance with Sections 2970 and 2972 of the Regulations; 21 **(B)** Has placed all previously collected advance fees into a trust account for that purpose and are in compliance with Section 10146 of the Code; 22 23 (C) Has provided an accounting to trust fund owner-beneficiaries pursuant 24 to Section 2972 of the Regulations; and 25 (D) Is in compliance with California law, as amended effective as of 26 October 11, 2009, with respect to loan modification and/or forbearance services. Under the 27 amended law, CANDILA can only collect advance fees for loan modification or other - 3 -

mortgage loan forbearance services related to commercial loans and loans for residential
properties containing five or more dwelling units.

3 3. Immediately desist and refrain from demanding, claiming, collecting and/or
4 receiving advance fees, as that term is defined in Section 10026 of the Code, in any form, and
5 under any conditions, with respect to the performance of loan modification or any other form of
6 mortgage loan forbearance services in connection with loans on residential property containing
7 four or fewer dwelling units.

8	DATED:FEB 1 8 2014
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11	REALESTATECOMMISSIONER
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13	By
14	By: JEFFREY MASON Chief Deputy Commissione
15	emer Deputy Commissione
16	- <u>NOTICE</u> -
17	Business and Professions Code Section 10139 provides that "Any person acting as a real
18	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
19	punishable by a fine not exceeding twenty thousand dollars (\$20,000), or by imprisonment in the
20	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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