

1 Department of Real Estate
2 320 West Fourth Street, Ste. 350
3 Los Angeles, California 90013

4 (213) 576-6982

FILED
AUG 12 2009
DEPARTMENT OF REAL ESTATE

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8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

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|-------------------|---|------------------------|
| 11 To: |) | No. H-36172 LA |
| |) | |
| 12 RICHARD SIANEZ |) | <u>ORDER TO DESIST</u> |
| |) | |
| 13 _____ |) | <u>AND REFRAIN</u> |

14

15 The Commissioner (Commissioner) of the California

16 Department of Real Estate (Department) caused an investigation to

17 be made of the activities of RICHARD SIANEZ. Based on that

18 investigation, the Commissioner has determined that you have

19 engaged in, are engaging in, or are attempting to engage in, acts

20 or practices constituting violations of the California Business

21 and Professions Code (Code), including violating Code Section

22 10130 by engaging in the business of, acting in the capacity of,

23 and/or advertising or assuming to act as, a real estate broker in

24 the State of California within the meaning of Code Sections

25 10131(d) (soliciting borrowers and lenders and negotiating loans

26 on real property). Furthermore, based on the investigation, the

27 Commissioner hereby issues the following Findings of Fact,

1 Conclusions of Law, and Desist and Refrain Order under the
2 authority of Section 10086 of the Code.

3 Whenever acts referred to below are attributed to
4 "you", RICHARD SIANEZ, those acts are alleged to have been done
5 by acting by yourself, or by and/or through one or more agents,
6 associates, affiliates, and/or co-conspirators.

7 FINDINGS OF FACT

8 1. At no time herein mentioned have you been licensed by the
9 Department of Real Estate of the State of California (hereinafter
10 "Department") as a real estate broker.

11 2. On or about June 11, 2006, you for or in expectation of
12 compensation, negotiated a re-finance loan on real property
13 located at 347 Herman Ave., Watsonville, California for borrower
14 Hugo Q. Mar.

15 CONCLUSIONS OF LAW

16 3. Based on the findings of fact contained in paragraphs 1 and
17 2, you, RICHARD SIANEZ, acting by yourself, or by and/or through
18 one or more agents, associates, affiliates, and/or co-
19 conspirators, solicited borrowers and lenders, performed services
20 for and negotiated a loan on real property, for another in
21 connection with loans secured directly or collaterally by one or
22 more liens on real property. Said acts require a real estate
23 broker license under Section 10131(d) of the Code, and were
24 performed during a period of time when you were not licensed by
25 the Department as a real estate broker, in violation of Code
26 Section 10130.

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1 DESIST AND REFRAIN ORDER

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

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

10 (i) soliciting borrowers and/or performing
11 services for borrowers or lenders in connection with loans
12 secured directly or collaterally by one or more liens on real
13 property, and

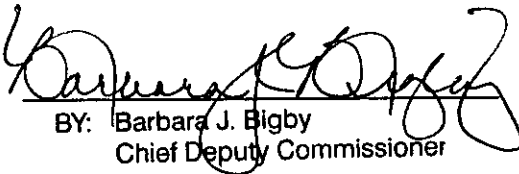
14 (ii) from charging, demanding, or collecting an
15 advance fee for any of the services you offer to others, unless
16 and until you obtain a real estate broker license issued by the
17 Department, and until you demonstrate and provide satisfactory
18 evidence to the Commissioner that you are in full compliance

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1 with all of the requirements of the Code and Regulations
2 relating to charging, collecting, and accounting for advance
3 fees.

4 DATED: 7-1-09

5
6 JEFF DAVI
Real Estate Commissioner

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8 
9 BY: Barbara J. Bigby
Chief Deputy Commissioner

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13 **Notice:** Business and Professions Code Section 10139 provides
14 that "Any person acting as a real estate broker or real estate
15 salesperson without a license or who advertises using the words
16 indicating that he or she is a real estate broker without being
17 so licensed shall be guilty of a public offense punishable by a
18 fine not exceeding twenty thousand dollars (\$20,000), or by
19 imprisonment in the county jail for a term not to exceed six
20 months, or by both fine and imprisonment; or if a corporation,
21 be punished by a fine not exceeding sixty thousand dollars
22 (\$60,000)."

23 cc: Richard Sianez
14995 Kalan Court
Chino Hills, CA 91709

24 JRP:NC

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