

72417
FILED

MAR 10 2010

DEPARTMENT OF REAL ESTATE
BY: [Signature]

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-36290 LA
MARIA MENENDEZ,)	L-2009101522
)	
)	
Respondent.)	

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On October 5, 2009, an Accusation was filed in this matter against Respondent MARIA MENENDEZ.

On February 26, 2010, Respondent petitioned the Commissioner to voluntarily surrender her real estate salesperson license pursuant to Section 10100.2 of the Business and Professions Code.

IT IS HEREBY ORDERED that Respondent MARIA MENENDEZ's petition for voluntary surrender of her real estate salesperson license is accepted as of the effective date of this Order as set forth below, based upon the understanding and agreement expressed in Respondent's Declaration dated February 26, 2010 (attached as Exhibit "A" hereto). Respondent's license certificate and pocket

1 card shall be sent to the below listed address so that they reach
2 the Department on or before the effective date of this Order:

3 DEPARTMENT OF REAL ESTATE
4 Attn: Licensing Flag Section
5 P. O. Box 187000
6 Sacramento, CA 95818-7000

7 This Order shall become effective at 12 o'clock noon
8 on MAR 30 2010

9 DATED: 3/31, 2010

10 JEFF DAVI
11 Real Estate Commissioner

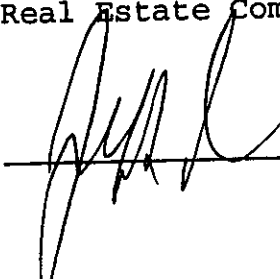
12 
13 _____
14
15
16
17
18
19
20
21
22
23
24
25
26
27

Exhibit "A"

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of) No. H- 36290 LA
MARIA MENENDEZ,) L-2009101522
Respondent.)

DECLARATION

My name is Maria Menendez, and I am currently licensed as a real estate salesperson and/or have license rights with respect to said license. I am represented by William C. Kersten, Esq. in this matter.

In lieu of proceeding in this matter in accordance with the provisions of the Administrative Procedure Act (Sections 11400 et seq., of the Government Code) I wish to voluntarily surrender my real estate license issued by the Department of Real Estate ("Department"), pursuant to Business and Professions Code Section 10100.2.

1 I understand that by so voluntarily surrendering my
2 license, it can only be reinstated in accordance with the
3 provisions of Section 11522 of the Government Code. I also
4 understand that by so voluntarily surrendering my license, I
5 agree to the following:

6 I understand that by so voluntarily surrendering my
7 license, it can only be reinstated in accordance with the
8 provisions of Section 11522 of the Government Code. I also
9 understand that by so voluntarily surrendering my license, I
10 agree to the following:

11 1. The filing of this Declaration shall be deemed as
12 my petition for voluntary surrender.

13 2. It shall also be deemed to be an understanding and
14 agreement by me that I waive all rights I have to require the
15 Commissioner to prove the allegations contained in the Accusation
16 filed in this matter at a hearing held in accordance with the
17 provisions of the Administrative Procedure Act (Government Code
18 Sections 11400 et seq.), and that I also waive other rights
19 afforded to me in connection with the hearing such as the right
20 to discovery, the right to present evidence in defense of the
21 allegations in the Accusation and the right to cross-examine
22 witnesses.

23 3. I further agree that upon acceptance by the
24 Commissioner, as evidenced by an appropriate order, all
25 affidavits and all relevant evidence obtained by the Department
26 in this matter prior to the Commissioner's acceptance, and all
27 allegations contained in the Accusation filed by the Department

1 In Case No. H-35290 LA may be considered by the Department to be
2 true and correct for the purpose of deciding whether to grant
3 relicensure or reinstatement pursuant to Government Code Section
4 11522.

5 4. I freely and voluntarily surrender all my licenses
6 and license rights under the Real Estate Law.

7 I declare under penalty of perjury under the laws of
8 the State of California that the above is true and correct.

9
10 2/26/10 Torrance, CA
11 Date and Place

Maria Menendez
Maria Menendez

1 in Case No. H-36290 LA may be considered by the Department to be
2 true and correct for the purpose of deciding whether to grant
3 relicensure or reinstatement pursuant to Government Code Section
4 11522.

5 4. I freely and voluntarily surrender all my licenses
6 and license rights under the Real Estate Law.

7 I declare under penalty of perjury under the laws of
8 the State of California that the above is true and correct.

9

10

11 _____
Date and Place

Maria Menendez

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

1 CHERYL D. KEILY SBN# 94008
2 Department of Real Estate
3 320 West 4th Street, Suite 350
Los Angeles, California 90013-1105

4 Telephone: (213) 576-6982
5 (Direct) (213) 576-6905

FILED

OCT - 5 2009

DEPARTMENT OF REAL ESTATE

BY: 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

11 In the Matter of the Accusation of) No. H- 36290 LA
12)
13 MARIA MENENDEZ,) A C C U S A T I O N
14)
15 Respondent.)
_____)

16 The Complainant, Robin Trujillo, a Deputy Real Estate
17 Commissioner of the State of California, for cause of Accusation
18 against MARIA MENENDEZ ("Respondent") is informed and alleges as
19 follows:
20

21 1.

22 The Complainant, Robin Trujillo, a Deputy Real Estate
23 Commissioner of the State of California, makes this Accusation
24 in her official capacity.

25 ///

26 ///

27 ///

2.

Respondent is presently licensed and/or has license rights under the Real Estate Law as a real estate salesperson. On or about December 31, 2008, Respondent's license was conditionally suspended for her failure to comply with the educational requirements set forth in Section 10153.4 of the Code. Pursuant to Section 10103 of the Code the Department retains jurisdiction.

3.

At all times herein mentioned, Respondent engaged in the business of, acted in the capacity of, or advertised a loan modification service and advance fee brokerage offering to perform and performing loan modification services with respect to loans which were secured by liens on real property for compensation or in expectation of compensation and for fees often collected in advance as well as at the conclusion of the transaction.

4.

On or about October 11, 2008, Higinio Arreola paid an advance fee of \$2,000 to Respondent by cashier's check made payable to Golden Investment Group Ltd. The advance fee was collected pursuant to an agreement pertaining to loan negotiation and modification services to be provided with respect to a loan secured by the real property located at 1510 Lilac Court, Wasco, California 93280.

///

5.

The activities described in Paragraphs 3 and 4, above, require a real estate broker license under Sections 10131(d) and 10131.2 of the Code.

6.

Respondent performed and/or participated in loan modification activities which require a real estate broker license under the provisions of Code Section 10131(d) when Respondent was not licensed by the Department as a real estate broker nor employed as a real estate salesperson by the broker on whose behalf the activities were performed in violation of Section 10130 of the Code.

7.

The conduct, acts and/or omissions of Respondent, as set forth, above, violate Code Section 10130, and are cause for the suspension or revocation of the licenses and license rights of Respondent pursuant to Code Sections 10177(d), 10177(g) and/or 10177(j).

///

///

///

///

///

///

///

///

1 WHEREFORE, Complainant prays that a hearing be
2 conducted on the allegations of this Accusation and that upon
3 proof thereof, a decision be rendered imposing disciplinary
4 action against all the licenses and license rights of Respondent
5 MARIA MENENDEZ, under the Real Estate Law, and for such other
6 and further relief as may be proper under other applicable
7 provisions of law.

8 Dated at Los Angeles, California
9 this 29 day of September, 2009.

10
11
12
13 
14 Robin Trujillo
15 Deputy Real Estate Commissioner
16
17
18
19
20
21
22
23
24
25

26 cc: Maria Menendez
27 Robin Trujillo
Sacto.