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

Telephone: (213) 576-6982

FILED
DEC 22 2009
DEPARTMENT OF REAL ESTATE
K. Niederholt

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

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To:)	No. H-36394 LA
)	
A&G INVESTMENTS, A REAL)	<u>ORDER TO DESIST</u>
ESTATE COMPANY; M&K FINANCIAL)	<u>AND REFRAIN</u>
CORPORATION; MARCO RAMIREZ)	(B&P Code Section 10086)
and KRISTINE BENGARD)	
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The Commissioner ("Commissioner") of the California Department of Real Estate ("Department") caused an investigation to be made of the activities of A&G INVESTMENTS, A REAL ESTATE COMPANY ("A&G"), M&K FINANCIAL CORPORATION ("M&K"), MARCO RAMIREZ ("RAMIREZ") and KRISTINE BENGARD ("BENGARD"). Based on that investigation, the Commissioner has determined that A&G, M&K, RAMIREZ and BENGARD have engaged in or are engaging in acts or practices constituting violations of the California Business and Professions Code ("Code") and/or Title 10, California Code of Regulations ("Regulations") including engaging in the business of, acting in the capacity of, advertising, or assuming

1 to act, as real estate brokers in the State of California within
2 the meaning of Code Sections 10131(d) (soliciting borrowers or
3 lenders or negotiating loans) and 10131.2 (advance fee
4 handling). Based on the findings of that investigation, as set
5 forth below, the Commissioner hereby issues the following
6 Findings of Fact and Desist and Refrain Order pursuant to
7 Section 10086 of the Code.

8 FINDINGS OF FACT

9 1. A&G is not now, and has never been, licensed by
10 the Department in any capacity.

11 2. M&K is not now, and has never been, licensed by
12 the Department in any capacity.

13 3. RAMIREZ is not now, and has never been, licensed
14 by the Department in any capacity.

15 4. BENGARD is not now, and has never been, licensed
16 by the Department in any capacity.

17 5. At the time set forth below each and every
18 respondent solicited borrowers and negotiated to do one or more
19 of the following acts for another or others, for or in
20 expectation of compensation, engaged in the business of, acted
21 in the capacity of, or advertised a loan modification service
22 and advance fee brokerage under one or more business names
23 including, but not limited to, "A&G Investments, A Real Estate
24 Company" and "M&K Financial Corporation" soliciting, offering to
25 negotiate or perform loan modification services with respect to
26 loans which were secured by liens on real property for
27 compensation or in expectation of compensation and for fees

1 collected in advance of the transaction.

2 6. On or about August 15, 2008, RAMIREZ, on behalf
3 of A&G and M&K, solicited Maria Rico ("Rico") to negotiate a
4 short sale loan on real property located at 9635 Otis Street,
5 South Gate, CA 90280 ("the South Gate property"), for or in
6 expectation of compensation.

7 7. Beginning on or about October 17, 2008, RAMIREZ,
8 on behalf of A&G and M&K, provided an advance fee contract to
9 Rico for loan modification services on the South Gate property.

10 8. On or about October 17, 2008, RAMIREZ and
11 BENGARD, on behalf of A&G and M&K, demanded and received an
12 advance fee of \$2,500 from Rico for the activities described in
13 paragraph 7, above.

14 9. On or about December 15, 2008, RAMIREZ and
15 BENGARD, on behalf of A&G and M&K, demanded and received an
16 additional advance fee of \$2,782.50 from Rico for the activities
17 described in paragraph 7, above.

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19 CONCLUSIONS OF LAW

20 10. Based on the information contained in Paragraphs
21 one through nine, above, A&G, M&K, RAMIREZ and BENGARD have
22 performed and/or participated in acts, including loan
23 modification activities which require a license under the
24 provision of Code Sections 10131(d) and 10131.2 during a period
25 of time when A&G, M&K, RAMIREZ and BENGARD were not licensed by
26 the Department as a real estate broker, in violation of Code
27 Section 10130.

1 DESIST AND REFRAIN ORDER

2 Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW
3 stated herein, IT IS ORDERED THAT:

4 A. A&G INVESTMENTS, A REAL ESTATE COMPANY, M&K
5 FINANCIAL CORPORATION, MARCO RAMIREZ and KRISTINE BENGARD,
6 immediately desist and refrain from performing any acts within
7 the State of California for which a real estate broker license
8 is required, unless or until you are so licensed;

9
10 IT IS FURTHER ORDERED THAT A&G INVESTMENTS, A REAL
11 ESTATE COMPANY, M&K FINANCIAL CORPORATION, MARCO RAMIREZ and
12 KRISTINE BENGARD:

13 1. Immediately desist and refrain from charging, demanding,
14 claiming, collecting and/or receiving advance fees, as that term
15 is defined in Section 10026 of the Code, in any form, and under
16 any conditions, with respect to the performance of loan
17 modification or any other form of mortgage loan forbearance
18 services in connection with loans on residential property
19 containing four or fewer dwelling units (Code Section 10085.6).

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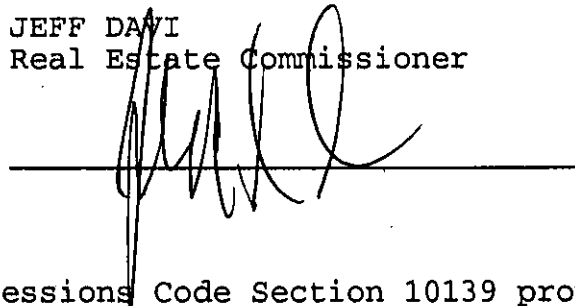
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1 2. Immediately desist and refrain from charging, demanding,
2 claiming, collecting and/or receiving advance fees, as that term
3 is defined in Section 10026 of the Code, for any other real
4 estate related services offered by them to others.

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7 DATED: 12/17, 2009.

8
9 JEFF DAVI
Real Estate 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 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
imprisonment in the 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)."

19 cc: A&G Investments, A Real Estate Company
20 488 S. Glassell Street
Orange, CA 92886

21 M&K Financial Corporation
22 488 S. Glassell Street
23 Orange, CA 92886

24 Marco Ramirez
25 488 S. Glassell Street
Orange, CA 92886

26 Kristine Bengard
27 488 S. Glassell Street
Orange, CA 92886