



FINDINGS OF FACT

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2           1. At no time herein mentioned, has NEFTALI GARCIA been licensed by the  
3 Department of Real Estate of the State of California ("Department") as a real estate broker or  
4 salesperson.

5           2. At no time herein mentioned, has LEOPOLDO MACIEL been licensed by  
6 the Department as a real estate broker or salesperson.

7           3. At all times herein mentioned, Century 21 Community was a licensed  
8 fictitious business name of real estate corporation Community Group Realty Corp.  
9 ("Community"). Community was licensed and/or has license rights under the Real Estate Law  
10 (Part 1 of Division 4 of the California Business and Professions Code) as a real estate  
11 corporation on April 18, 2006. Community's real estate corporation license expired on  
12 April 17, 2010.

13           4. At all times mentioned herein, the conduct, acts, and/or omissions of Century  
14 21 Community, includes the party identified in Paragraphs 1 and 2, above, and also includes the  
15 managers, employees, agents and/or real estate licensees employed by or associated with said  
16 party, who at all times herein mentioned were engaged in the furtherance of the business or  
17 operations of said party and who were acting within the course and scope of their authority,  
18 agency, or employment.

19           5. At all times mentioned herein, in the State of California, Century 21  
20 Community, NEFTALI GARCIA, and LEOPOLDO MACIEL engaged in the business of  
21 leasing, renting or offering to lease or rent, soliciting prospective tenants, or collecting rents  
22 from real property within the meaning of Code Section 10131(b), including but not limited to,  
23 the following rental properties:

24           a. On or about March 4, 2008, Amanda Rodriguez entered into a residential  
25 rental agreement with NEFTALI GARCIA. Century 21 Community is listed as the broker on  
26 said rental agreement. Pursuant to said agreement, Amanda Rodriguez rented the real property  
27 located at 10211 Cook Avenue, Riverside, California 92503 ("Cook Ave. rental property")

1 from NEFTALI GARCIA. NEFTALI GARCIA informed Amanda Rodriguez that he,  
2 NEFTALI GARCIA, was the owner of the Cook Ave. rental property. Amanda Rodriguez paid  
3 NEFTALI GARCIA a security deposit of \$1,500 for the Cook Ave. rental property. On or  
4 about March 31, 2008, Amanda Rodriguez received a notice to pay rent or quit from Sandra  
5 Galindo Reza, the true owner of the Cook Ave. rental property. Amanda Rodriguez contacted  
6 NEFTALI GARCIA for an explanation of the notice to pay rent or quit. NEFTALI GARCIA,  
7 Ramon Montoya, and Santos Lozoya spoke with Amanda Rodriguez about the Cook Ave.  
8 rental property. They refused to refund Amanda Rodriguez' security deposit and refused to  
9 assist her any further with the matter.

10           b. On or about January 28, 2009, LEOPOLDO MACIEL represented himself as  
11 a real estate agent of Century 21 Community to Jose Maria Cesena Sanchez ("Sanchez") and  
12 induced Sanchez to enter into a residential rental agreement with Jaime Martinez. Pursuant to  
13 said agreement, Sanchez rented the real property located at 2817 College Blvd., Oceanside,  
14 California 92056 ("College Blvd. rental property") from Jaime Martinez. Sanchez was  
15 informed that Jaime Martinez was the owner and landlord of the College Blvd. rental property.  
16 Sanchez paid a security deposit of \$800 for the College Blvd. rental property. On or about  
17 February 5, 2009, Sanchez discovered that the locks to the College Blvd. rental property had  
18 been changed. A notice of default on the College Blvd. property had been recorded and a  
19 Trustee's Deed Upon Sale to U.S. Bank was recorded on January 23, 2009. Sanchez was  
20 ordered to remove his belongings from the College Blvd. rental property. Jaime Martinez and  
21 LEOPOLDO MACIEL refused to refund Sanchez' security deposit and refused to assist him  
22 any further with the matter.

23           6. NEFTALI GARCIA's and LEOPOLDO MACIEL's acts as described in  
24 Paragraph 5, above, are acts requiring a real estate license under the provisions of Code  
25 Section 10131(b).

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1 CONCLUSIONS OF LAW

2 1. Based on the findings of fact contained in Paragraphs 1 through 6, above,  
3 NEFTALI GARCIA and LEOPOLDO MACIEL acting by or through one or more officers,  
4 directors, agents, associates, affiliates, employees, and/or co-conspirators, performed acts  
5 requiring a real estate license under the provisions of Code Section 10131(b).

6 2. NEFTALI GARCIA and LEOPOLDO MACIEL violated Code Section 10130  
7 by engaging in the activities described in Paragraphs 1 through 6, above, without first  
8 obtaining a real estate license from the Department.

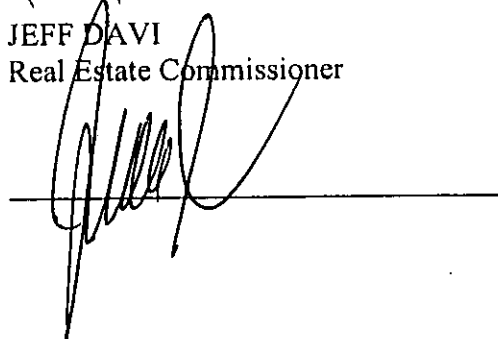
9 DESIST AND REFRAIN ORDER

10 Based upon the findings of fact and conclusions of law stated herein, it is  
11 hereby ordered that NEFTALI GARCIA and LEOPOLDO MACIEL immediately desist and  
12 refrain from performing any and all acts requiring a real estate license in the State of California  
13 (individually and under any fictitious business name) until NEFTALI GARCIA and  
14 LEOPOLDO MACIEL obtain the required license from the Department.

15 DATED: \_\_\_\_\_

6/25/2010

17 JEFF DAVI  
Real Estate Commissioner

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

cc: NEFTALI GARCIA and LEOPOLDO MACIEL  
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