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i 2 3 4 5 6 7 8 9.	DEPARTMENT OF REAL ESTATE 320 West 4th Street, Suite 350 Los Angeles, California 90013-1105 Telephone: (213) 576-6982 AUG 1.1 2010 DEPARTMENT OF REAL ESTATE By STATE OF CALIFORNIA
10	DEPARTMENT OF REAL ESTATE
11 12 13 14 15 16 17 18 19 20 21 20 21 22 23 23	To: SERGIO MARTINEZ.) NO. H-36757 LA) ORDER TO DESIST AND) REFRAIN) (B&P Code Section 10086)) The Commissioner ("Commissioner") of the California Department of Real Estate ("Department") caused an investigation to be made of the activities of SERGIO MARTINEZ. Based on that investigation, the Commissioner has determined that SERGIO MARTINEZ, has engaged in, is engaging in, or is attempting to engage in, acts or practices constituting violations of the California Business and Professions Code ("Code") and/or Title 10, Chapter 6, California Code of Regulations ("Regulations"), including the business of, acting in the capacity of, and/or advertising or assuming to act as, a real estate broker in the State of California within the meaning of Section 10131(d) (performing services for borrowers in connection with loans secured by real property) and Section 10131.2 (advance fee handling) of the Code. Furthermore,
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25	based on the investigation, the Commissioner hereby issues the following Findings of Fact, Conclusions of Law, and Desist and Refrain Order under the authority of Section 10086 of the
26 27	Code.
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FINDINGS OF FACT ł 1. SERGIO MARTINEZ has been licensed by the Department as a real estate 2 salesperson since January 17, 2007. From March 3, 2008, through March 8, 2009, SERGIO 3 MARTINEZ was licensed as a real estate salesperson under the employ of Sun Gold Coast, Inc. 4 doing business as Century 21Professionals. 5 2. For an unknown period of time beginning in or around June, 2008, and 6 continuing through January 31, 2009, SERGIO MARTINEZ solicited borrowers and negotiated 7 to do one or more of the following acts for another or others, for or in expectation of 8 compensation: negotiate the purchase, sale or exchange of real property; negotiate one or more 9 10 loans for, or perform services for, borrowers and/or lenders in connection with loans secured directly or collaterally by one or more liens on real property; and charge, demand or collect an 11 advance fee for any of the services offered. 12 13 3. On or about August 28, 2008, J. Gonzalez ("Gonzalez") paid an advance fee of 14 \$500 to SERGIO MARTINEZ. The advance fee was collected for loan negotiation and 15 modification services to be provided by SERGIO MARTINEZ with respect to a loan secured by 16 the real property located in the city of Hawthorne, California. Thereafter, Gonzalez paid 17 additional advance fees to SERGIO MARTINEZ in the amount of \$700 and \$750. 18 4. On or about December 15, 2008, Gonzalez paid an advance fee \$2,267 to SERGIO MARTINEZ. The advance fee was collected for loan negotiation and modification 19 20services to be provided by SERGIO MARTINEZ with respect to a loan secured by the real property located in the city of Lomita, California. 21 CONCLUSIONS OF LAW 22 5. Based on the findings of fact contained in paragraphs 1 through 4, SERGIO 23 MARTINEZ, solicited borrowers and performed services for those borrowers and/or those 24 25 borrowers' lenders in connection with loans secured directly or collaterally by one or more liens on real property, and charged, demanded or collected advance fees for the services to be 26 27 provided, which acts require a real estate broker license under Sections 10131(d) and 10131.2 of

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1	the Code, during a period of time when SERGIO MARTINEZ was not licensed by the
2	Department as a real estate broker, in violation of Section 10130 of the Code.
3	DESIST AND REFRAIN ORDER
4	Based upon the FINDINGS OF FACT AND CONCLUSIONS OF LAW stated
5	herein, it is ordered that SERGIO MARTINEZ whether doing business under his own name, or
6	any other fictitious name(s), IS HEREBY ORDERED to immediately desist and refrain from
7	performing any acts within the State of California for which a real estate broker license is
8	required. In particular, SERGIO MARTINEZ is ORDERED TO DESIST AND REFRAIN
9	from:
10	1. charging, demanding, claiming, collecting and/or receiving advance fees, as
11	that term is defined in Section 10026 of the Code, in any form, and under any conditions, with
12	respect to the performance of loan modifications or any other form of mortgage loan
13	forbearance service in connection with loans on residential property containing four or fewer
14	dwelling units (Code Section 10085.6); and
15	2. charging, demanding, claiming, collecting and/or receiving advance fees, as
16	that term is defined in Section 10026 of the Code, for any other real estate related services
17	offered by them to others.
18	DATED:, 2010.
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20	JEFF DAVI Real Estate Commissioner
21	Real Estina Commissioner
22	-1(M/h)
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24	Notice: Business and Professions Code Section 10139 provides that "Any person acting as a
25	real 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
26	public offense punishable by a 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
27	imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars (\$60,000)."
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2	cc:	Sergio Martinez 9650 Elon Avenue
3	and	Arleta, CA 91331
4		13800 Park Center Lane #133 Tustin, CA 92782
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