

1 Department of Real Estate
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2 Los Angeles, California 90013
3 Telephone: (213) 576-6982

5/20
FILED
AUG 16 2010
DEPARTMENT OF REAL ESTATE

4 By _____

8 DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

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11 To:) No. H-36766 LA
12)
12 ARTHUR NELSON LUCULESCU.) ORDER TO DESIST
13) AND REFRAIN
14) (B&P Code Section 10086)
14)

15 The Commissioner ("Commissioner") of the California Department of Real Estate
16 ("Department") caused an investigation to be made of the activities of ARTHUR NELSON
17 LUCULESCU and has determined that he engaged in or is engaging in acts or practices
18 constituting a violation of the California Business and Professions Code ("Code") Section 10130
19 including engaging in the business of, acting in the capacity of, advertising, or assuming to act,
20 as real estate broker in the State of California within the meaning of Section 10131(d) (soliciting
21 borrowers or lenders or negotiating loans) and Section 10131.2 (advance fee handling). Based
22 on the findings of that investigation, as set forth below, the Commissioner hereby issues the
23 following Findings of Fact and Desist and Refrain Order pursuant to Section 10086 of the Code.

24 FINDINGS OF FACT

25 1. ARTHUR NELSON LUCULESCU ("LUCULESCU") was licensed and/or
26 has license rights under the Real Estate Law (Part 1 of Division 4 of the Business and
27 Professions Code) ("Code") as a real estate salesperson by the Department of Real Estate

1 ("Department") on or about January 11, 2002.

2 2. From March 2, 2009, through May 10, 2009, LUCULESCU was licensed as a
3 real estate salesperson under the employ and supervision of real estate corporation Lion Home
4 Financial. LUCULESCU is not now and has never been licensed by the Department as a real
5 estate broker.

6 3. At all times mentioned herein, LUCULESCU engaged in the business of, acted
7 in the capacity of, advertised or assumed to act as a real estate broker, within the meaning of
8 Code Sections 10131(d) and 10131.2, for or in expectation of compensation. LUCULESCU
9 solicited and offered to perform services for borrowers including, but not limited to, modifying
10 and negotiating loans secured by liens on real property, and collected advance fees within the
11 meaning of Code Sections 10026 and 10131.2.

12 4. On or about March 05, 2009, LUCULESCU solicited M. West ("West") and
13 offered to perform loan modification services for borrower West including the negotiation of
14 loans secured directly by liens on real property located in the city of Compton, California.
15 LUCULESCU charged West \$2,500 for the loan negotiation and modification services. On
16 March 7, 2009, West paid LUCULESCU an advance fee of \$1,500. LUCULESCU failed to
17 perform the services promised or to obtain a loan for West on more favorable terms.

18 CONCLUSIONS OF LAW

19 5. The activities described in Paragraph 4, above, require a real estate license
20 under Code Sections 10131(d) and 10131.2.

21 6. Based on the information contained in Paragraphs 1 through 4, above,
22 LUCULESCU performed and/or participated in loan solicitation, negotiation and modification
23 activities which require a real estate broker license under the provisions of Code Sections
24 10131(d) and 10131.2 during a period of time when he was neither licensed by the Department
25 as a real estate broker, nor employed as a real estate salesperson by the broker on whose behalf
26 the activities were performed, in violation of Code Section 10130.

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1 DESIST AND REFRAIN ORDER

2 Based on the Findings of Fact and Conclusions of Law stated herein:

3 1. IT IS HEREBY ORDERED that ARTHUR NELSON LUCULESCU, whether
4 doing business under his own name, or any other fictitious name(s):

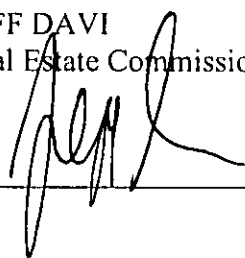
5 (i) immediately desist and refrain from performing any acts within the State of
6 California for which a real estate broker license is required. In particular, he is ORDERED TO
7 DESIST AND REFRAIN from:

8 (i) charging, demanding, claiming, collecting and/or receiving advance fees, as
9 that term is defined in Code Section 10026, in any form, and under any conditions, with respect
10 to the performance of loan modifications or any other form of mortgage loan forbearance
11 service in connection with loans on residential property containing four or fewer dwelling units
12 (Code Section 10085.6); and

13 (ii) charging, demanding, claiming, collecting and/or receiving advance fees, as
14 that term is defined in Code Section 10026, for any other real estate related services offered by
15 them to others.

16 DATED: 8-11, 2010.

17 JEFF DAVI
18 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
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)."

26 cc: Arthur Nelson Luculescu
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