

1 practices constituting violations of the California Business and Professions Code ("Code")
2 and/or Title 10, California Code of Regulations ("Regulations"). Based on the findings of that
3 investigation, set forth below, the Commissioner hereby issues the following Findings of Fact,
4 Conclusions of Law, and Desist and Refrain Order under the authority of Section 10086 of the
5 Code.

6 FINDINGS OF FACT

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8 1. CWFI is presently licensed and/or has license rights under the Real Estate
9 Law, Part 1 of Division 4 of the Code, as a real estate corporation.

10 2. CAMAS is not now, and has never been, licensed by the Department in any
11 capacity.

12 3. At the time set forth below CWFI and CAMAS solicited borrowers and
13 negotiated to do one or more of the following acts for another or others, for or in expectation of
14 compensation: engaged in the business of, acted in the capacity of, or advertised a loan
15 modification and negotiation service and advance fee brokerage using the name "Capitalwide
16 Financial, Inc." soliciting, offering to negotiate or perform loan modification services with
17 respect to loans which were secured by liens on real property for compensation or in
18 expectation of compensation and for fees collected in advance of the transaction.

19 4. In or about August, 2008, CWFI employed CAMAS to obtain clients for
20 CWFI's loan modification and negotiation services.

21 5. On or about August 25, 2008, CAMAS, as a representative of CWFI, entered
22 into an agreement with Jose M. for loan modification and negotiation services on Jose M.'s
23 existing mortgage on his home located in the City of Los Angeles, California.

24 6. On or about August 25, 2008, and on or about September 5, 2008, CAMAS,
25 as a representative of CWFI, demanded and received a total advance fee of \$3,500 from Jose M.
26 for the activities described in Paragraph 5, above.

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IT IS FURTHER ORDERED THAT CAPITALWIDE FINANCIAL, INC.

immediately desist and refrain from:

1. Charging, demanding, claiming, collecting and/or receiving advance fees, as that term is defined in Section 10026 of the Code, in any form, and under any conditions, with respect to the performance of loan modification or any other form of mortgage loan forbearance services in connection with loans on residential property containing four or fewer dwelling units (Code Section 10085.6).
2. Charging, demanding, claiming, collecting and/or receiving advance fees, as that term is defined in Section 10026 of the Code, for any of the other real estate related services offered to others, unless and until CAPITALWIDE FINANCIAL, INC. demonstrates and provides evidence satisfactory to the Commissioner it:
 - (a) has an advance fee agreement which has been submitted to the Department and which is in compliance with Section 10085 of the Code and Section 2970 of the Regulations;
 - (b) has placed all previously collected advance fees into a trust account for that purpose and is in compliance with Section 10146 of the Code; and
 - (c) has provided an accounting to trust fund owner-beneficiaries from whom advance fees have previously been collected in compliance with Section 10146 of the Code and Section 2972 of the Regulations.

IT IS FURTHER ORDERED THAT ARIEL CAMAS immediately desist and refrain from:

1. Charging, demanding, claiming, collecting and/or receiving advance fees, as that term is defined in Section 10026 of the Code, in any form, and under any conditions, with respect to the performance of loan modifications or any other form of mortgage loan forbearance service in connection with loans on

1 residential property containing four or fewer dwelling units (Code Section
2 10085.6); and

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

6 DATED: 8/23, 2010.

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8 JEFF DAVI
Real Estate Commissioner

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11 BY: Barbara J. Bigby
12 Chief Deputy Commissioner

13 **Notice:** Business and Professions Code Section 10139 provides that "Any person acting as a
14 real estate broker or real estate salesperson without a license or who advertises using words
15 indicating that he or she is a real estate broker without being so licensed shall be guilty of a
16 public offense punishable by a fine not exceeding twenty thousand dollars (\$20,000), or by
17 imprisonment in the county jail for a term not to exceed six months, or by both fine and
18 imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars
19 (\$60,000)."

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21 cc: Capitalwide Financial, Inc.
22 9753 Comanche Avenue
Chatsworth, CA 91311

23 Ariel Camas
24 9753 Comanche Avenue
25 Chatsworth, CA 91311
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