

FILED

1 DEPARTMENT OF REAL ESTATE
2 320 West Fourth Street, Ste. 350
3 Los Angeles, California 90013

APR 11 2011

4 (213) 576-6982

DEPARTMENT OF REAL ESTATE
BY: Juan B. Oros

9 STATE OF CALIFORNIA

10 DEPARTMENT OF REAL ESTATE

11 To:)
12) NO. H-37196 LA
13 THE NEW PACIFIC ESCROW and GUADALUPE)
14 MONSERRAT) ORDER TO DESIST AND
15) REFRAIN
16) (B&P Code Section 10086)
17)

17 The Commissioner (Commissioner) of the California Department of Real Estate
18 (Department) caused an investigation to be made of the activities of THE NEW PACIFIC
19 ESCROW (TNPE) and GUADALUPE MONSERRAT (MONSERRAT). Based on that
20 investigation, the Commissioner has determined that TNPE and MONSERRAT have engaged in,
21 are engaging in, or are attempting to engage in, acts or practices constituting violations of the
22 California Business and Professions Code (Code), including the business of, acting in the
23 capacity of, and/or advertising or assuming to act as, real estate brokers in the State of California
24 within the meaning of Section 10131(d) (collecting payments or performing services for
25 borrowers or lenders in connection with loans secured by liens on real property) of the Code.
26 Furthermore, based on the investigation, the Commissioner hereby issues the following Findings
27

1 of Fact, Conclusions of Law, and Desist and Refrain Order under the authority of Section 10086
2 of the Code.

3 Whenever acts referred to below are attributed to TNPE or MONSERRAT those
4 acts are alleged to have been done by TNPE or MONSERRAT, acting by themselves, or by
5 and/or through one or more agents, associates, affiliates, and/or co-conspirators.

6 FINDINGS OF FACT

7 1. TNPE and MONSERRAT are not now, and have never been, licensed by the
8 Department in any capacity.

9 2. On or about June 16, 2008, MONSERRAT, as escrow officer for TNPE,
10 entered into Sale Escrow Instructions for property located at 1108 W. 110th Street, Los Angeles,
11 CA, 90044. In accordance with the terms of the Sale Escrow Instructions, on or about June 24,
12 2008, TNPE collected a \$50,000 deposit from the proposed purchaser of this property.

13 3. On or about October 20, 2008, MONSERRAT, as escrow officer for
14 TNPE, entered into Sale Escrow Instructions for property located at 116 Sycamore Park
15 Drive, Los Angeles, CA, 90031. In accordance with the terms of the Sale Escrow
16 Instructions, on or about October 20, 2008, TNPE collected a \$15,000 deposit from the
17 proposed purchaser of this property.

18 4. On or about August 14, 2009, MONSERRAT, as escrow officer for
19 TNPE, entered into Sale Escrow Instructions for property located at 722 Hartford
20 Avenue, Los Angeles, CA, 90017.

21 5. On or about March 12, 2010, TNPE collected a \$10,000 deposit from
22 the proposed purchaser of a property located at 9177 Amethyst Street, Rancho
23 Cucamonga, CA, 91730.

24 CONCLUSIONS OF LAW

25 6. Based on the findings of fact contained in paragraphs 1 through 5, TNPE
26 and MONSERRAT, acting by themselves, or by and/or through one or more agents, associates,
27 affiliates, and/or co-conspirators, collected payments or performed services for borrowers in

1 connection with loans secured by liens on real property, which acts require a real estate broker
2 license under Section 10131(d) of the Code, during a period of time when TNPE and
3 MONSERRAT were not licensed by the Department as real estate brokers, in violation of
4 Section 10130 of the Code.

5 DESIST AND REFRAIN ORDER

6 Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW stated
7 herein, it is hereby ordered that THE NEW PACIFIC ESCROW and GUADALUPE
8 MONSERRAT, whether doing business under their own names, or any other names, ARE
9 HEREBY ORDERED to immediately desist and refrain from performing any acts within the
10 State of California for which a real estate broker license is required, unless or until they are
11 properly licensed by the Department.

12 DATED: 3/22/2016

13 JEFF DAVI
14 Real Estate Commissioner
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16

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

24
25 cc: THE NEW PACIFIC ESCROW
26 GUADALUPE MONSERRAT
27 2500 Wilshire Boulevard, Suite 916
Los Angeles, CA 90057