

FILED

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1 Department of Real Estate
2 320 West 4th Street, Suite 350
3 Los Angeles, California 90013-1105

4 Telephone: (213) 576-6982

DEPARTMENT OF REAL ESTATE
BY: *Guarante/Wloris*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

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|------------------------------|---|--------------------------|
| 11 To: |) | No.H-37792 LA |
| |) | |
| 12 DAVID KENNEDY, CHARLENE |) | <u>ORDER TO DESIST</u> |
| 13 LOPEZ and KAROL VLADOVICH |) | <u>AND REFRAIN</u> |
| |) | |
| |) | (B&P Code Section 10086) |
| |) | |

16 The Commissioner ("Commissioner") of the California Department of Real Estate
17 ("Department") caused an investigation to be made of the activities of DAVID KENNEDY
18 ("KENNEDY"), CHARLENE LOPEZ ("LOPEZ") and KAROL VLADOVICH
19 ("VLADOVICH"). Based on that investigation the Commissioner has determined that
20 KENNEDY, LOPEZ and VLADOVICH have engaged in, or are engaging in, acts, or are
21 attempting to engage in the business of, acting in the capacity of, and/or advertising or assuming
22 to act as real estate brokers in the State of California within the meaning of Business and
23 Professions Code Sections 10131(d) (soliciting borrowers, negotiating loans or performing
24 services for borrowers in connection with loans secured by real property) and 10131.2 (advance
25 fee handling).

26 In addition, based on that investigation, the Commissioner has determined that
27 KENNEDY, LOPEZ and VLADOVICH have engaged in, or are engaging in, acts, or are

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

6 FINDINGS OF FACT

7 1. KENNEDY and VLADOVICH are not now, nor have they ever been,
8 licensed by the Department in any capacity.

9 2. LOPEZ has a restricted real estate salesperson license, which was placed
10 on conditional suspension on July 28, 2008. LOPEZ has not been licensed with the Department
11 as employed under any real estate broker since April 27, 2008.

12 3. At the times set forth below, KENNEDY, LOPEZ and VLADOVICH
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 with respect to loans which were
16 secured by liens on real property for compensation or in expectation of compensation and for
17 fees collected in advance of the transaction.

18 Patrick and Paula P. Transaction

19 4. In or about July 2008, KENNEDY and LOPEZ solicited Patrick and Paula
20 P, offering to negotiate a modification of Patrick and Paula P.'s home loan, on behalf of Orange
21 County Mutual Fundings. On or about September 12, 2008 LOPEZ collected \$3,200 in advance
22 fees from Patrick and Paula P. for loan modification services.

23 Harold and Sharlene H. Transaction

24 5. On or about April 1, 2009, VLADOVICH solicited Harold and Sharlene
25 H, offering to negotiate a modification of Harold and Sharlene H.'s home loan, on behalf of
26 Orange County Mutual Fundings. On or about April 14, 2009, VLADOVICH collected payment
27 of \$2,495 in advance fees from Harold and Sharlene H. for loan modification services.

1 CONCLUSIONS OF LAW

2 6. Based on the information contained in Paragraphs 1 through 5 above,
3 KENNEDY, LOPEZ and VLADOVICH violated Code Section 10130 by engaging in activities
4 requiring a broker license without first obtaining a broker license from the Department.

5 DESIST AND REFRAIN ORDER

6 Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW stated
7 herein, it is hereby ordered that:

8 DAVID KENNEDY, CHARLENE LOPEZ and KAROL VLADOVICH
9 immediately desist and refrain from: performing any acts within the State of California for which
10 a real estate broker license is required, unless DAVID KENNEDY, CHARLENE LOPEZ and
11 KAROL VLADOVICH are so licensed.

12
13
14 DATED: 12/21/11

15
16 BARBARA J. BIGBY
Acting Real Estate Commissioner

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20 **Notice:** Business and Professions Code Section 10139 provides that "Any person acting as a
21 real estate broker or real estate salesperson without a license or who advertises using words
22 indicating that he or she is a real estate broker without being so licensed shall be guilty of a
23 public offense punishable by a fine not exceeding twenty thousand dollars (\$20,000), or by
24 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)."

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cc: DAVID KENNEDY
KAROL VLADOVICH
1421 Warner Avenue, Suite B
Tustin, CA 92780

CHARLENE LOPEZ
1126 Fay Lane #1
Anaheim, CA 92806