

1 the authority of Section 10086 of the Code.

2 FINDINGS OF FACT

3 1. OMAR SANDOVAL ("SANDOVAL") is licensed by the Department of Real
4 Estate of the State of California ("Department") as a real estate salesperson. SANDOVAL was
5 originally licensed by the Department on October 18, 2007. SANDOVAL has never been
6 licensed by the Department as a real estate broker.

7 2. SANDOVAL is, and at all times relevant herein was, licensed to conduct real
8 estate activities as a salesperson under the employment of Colonial Realty Group Inc. as his
9 supervising broker of record.

10 3. Beginning on or before December 1, 2009 and continuing through on or after
11 October 13, 2011, SANDOVAL engaged in the business of, acted in the capacity of, advertised
12 or assumed to act as a real estate broker in the State of California within the meaning of Business
13 and Professions Code ("Code") Sections 10131(d) and 10131.2. His activities included soliciting
14 borrowers or lenders for and/or negotiating loans, collecting payments and/or performing
15 services for borrowers or lenders in connection with loans secured by liens on real property. His
16 activities also included claiming, demanding, charging, receiving, collecting or contracting for
17 the collection of advance fees within the meaning of Code Sections 10026 and 10085.

18 4. On or about October 30, 2010, Respondent SANDOVAL entered into a loan
19 modification agreement with Hector and Deifilia A. pursuant to which SANDOVAL promised to
20 assist Hector and Deifilia A. in negotiating with their lender to try to obtain a modification of the
21 terms of their home loan in exchange for payment of an upfront fee of \$3,500.00.

22 5. Between October 30, 2010 and January 3, 2011, Hector and Deifilia A. paid
23 SANDOVAL the \$3,500.00 fee. SANDOVAL did not provide any services to Hector and
24 Deifilia A., and did not assist them in obtaining a modification of their home loan. He refused to
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1 communicate with them and did not refund any portion of the fees they paid.

2 6. On or about December 8, 2009, SANDOVAL, using the business name Coast
3 2 Coast Financial, collected an advance fee of \$4,500.00 for loan modification services from
4 Jose G. SANDOVAL promised to provide Jose G. with assistance in negotiating with lenders.
5 SANDOVAL never provided any services to Jose G. and refused to refund any portion of the
6 fees paid.

7 7. At the time that SANDOVAL solicited and collected advance fees from Hector
8 and Deifilia A. and from Jose G., SANDOVAL was not acting with the knowledge, authority or
9 supervision of his supervising broker Colonial Realty Group Inc. or its designated broker-officer
10 Kenneth Moore McFarland. SANDOVAL's supervising broker was not aware of the loan
11 modification transactions he was engaging in.

12 8. At the time that SANDOVAL solicited and collected advance fees from Hector
13 and Deifilia A. and from Jose G., it was unlawful in the State of California for anyone to collect
14 advance fees for loan modification services.

15 CONCLUSIONS OF LAW

16 1. The conduct, acts and/or omissions of SANDOVAL, as set forth in the
17 Findings of Fact above, when not licensed by the Department as a real estate broker or acting as
18 a salesperson agent, employed and supervised by a real estate broker licensed by the Department,
19 was in violation of Code Section 10130.

20 2. The conduct, acts and/or omissions of SANDOVAL, as set forth in the
21 Findings of Fact above, in soliciting and collecting advance fees for loan modification services
22 after October 30, 2009, was in violation of Code Sections 10085 and 10085.5.

23 3. The conduct, acts, and/or omission of SANDOVAL, in accepting
24 compensation for activities requiring a real estate broker license from someone other than his
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1 employing broker of record and without his employing broker's knowledge, authority or
2 supervision was in violation of Code Sections 10137, 10177(d), 10176(i) and/or 10177(j).

3 DESIST AND REFRAIN ORDER

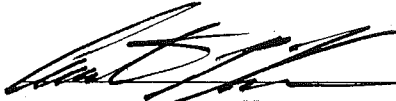
4 Based on the Findings of Fact and Conclusions of Law stated herein,
5 OMAR SANDOVAL, whether doing business under his own name, or any other names, or
6 fictitious names, IS HEREBY ORDERED to immediately desist and refrain from performing
7 any acts which require a real estate broker license until he is properly licensed. Such acts
8 include, but are not limited to:

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10 (i) soliciting borrowers and/or performing services for borrowers or lenders in
11 connection with loans secured directly or collaterally by one or more liens on real property, and

12 (ii) charging, demanding, or collecting a fee for any of the services you offer to
13 others, unless and until you obtain a real estate broker license issued by the Department, and
14 until you demonstrate and provide evidence satisfactory to the Commissioner that you are in full
15 compliance with all of the requirements of the Code and Commissioner's Regulations relating to
16 charging, collecting, and accounting for fees.
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18 DATED: 1/9/13

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20 Real Estate Commissioner

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23 By: AWET P. KIDANE
24 Chief Deputy Commissioner

25 **Notice:** Business and Professions Code Section 10139 provides that "Any person acting as a
26 real estate broker or real estate salesperson without a license or who advertises using words
27 indicating that he or she is a real estate broker without being so licensed shall be guilty of a
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)."

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