

TO: FLAG SECTION, SACTO.

FROM: LA LEGAL

RE: DESIST AND REFRAIN ORDER

DAVID CALDERA

FILE NO. H-38693 LA

DATED FILED: February 06, 2013

LICENSED

NO RECORD

DAVID CALDERA

FILED

FEB - 6 2013

1 Department of Real Estate
2 320 West Fourth St. #350
3 Los Angeles, CA 90013

4 (213) 576-6982

DEPARTMENT OF REAL ESTATE

BY: Faura B. Olson

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * * *

11 To:) No. H-38693 LA
12)
13 DAVID CALDERA) ORDER TO DESIST
14) AND REFRAIN
15) (B&P Code Section 10086)
16)

16 The Real Estate Commissioner of the State of California ("Commissioner") has
17 caused an investigation to be made of the activities of DAVID CALDERA. Based on that
18 investigation, the Commissioner has determined that DAVID CALDERA has engaged in, is
19 engaging in, or is attempting to engage in, acts or practices constituting violations of the
20 California Business and Professions Code ("Code"), including acting in the capacity of,
21 advertising and/or assuming to act as a real estate broker in the State of California within the
22 meaning of Code Sections 10131(d) (advertising, soliciting borrowers for, and offering to
23 perform loan modification services for distressed homeowners) and 10131.2 (collecting advance
24 fees in connection with those services). Based on that investigation, the Commissioner hereby
25 issues the following Findings of Fact, Conclusions of Law, and Desist and Refrain Order under
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1 the authority of Section 10086 of the Code.

2 FINDINGS OF FACT

3 1. DAVID CALDERA ("CALDERA") is not now, and has never been, licensed
4 by the Department of Real Estate of the State of California ("Department") as a real estate broker
5 or as a real estate salesperson employed by a real estate broker.

6 2. Beginning on or about June 15, 2008 and continuing through on or after May
7 19, 2009, CALDERA solicited Teodora P. and offered to provide her with assistance avoiding
8 foreclosure through obtaining a loan modification or short sale of her home in exchange for
9 payment of an advance fee or fees.

10 3. Between June 15, 2008 and May 19, 2009, Teodora P. paid CALDERA
11 \$10,000.00 in several payments for loan modification services.

12 4. CALDERA never provided Teodora with any services, and did not refund her
13 money to her.

14 CONCLUSIONS OF LAW

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

19 DESIST AND REFRAIN ORDER

20 Based on the Findings of Fact and Conclusions of Law stated herein,
21 DAVID CALDERA, whether doing business under your own names, or any other names, or
22 fictitious names, IS HEREBY ORDERED to immediately desist and refrain from performing
23 any acts which require a real estate broker license until properly licensed. Such acts include,
24 but are not limited to:
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1 (i) soliciting borrowers and/or performing services for borrowers or lenders in
2 connection with loans secured directly or collaterally by one or more liens on real property, and

3 (ii) charging, demanding, or collecting a fee for any of the services you offer to
4 others, unless and until you obtain a real estate broker license issued by the Department, and
5 until you demonstrate and provide evidence satisfactory to the Commissioner that you are in full
6 compliance with all of the requirements of the Code and Commissioner's Regulations relating to
7 charging, collecting, and accounting for fees.
8

9 DATED: 2/1, 2013
10

11 Real Estate Commissioner

12
13 By: 

14 By AWET P. KIDANE
15 Chief Deputy Commissioner
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
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26
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cc: David Caldera
253 W. Cromwell St.
24 Rialto, CA 92376-2730

David Caldera
290 N. 10th St. #216
Colton, CA 92324-3052

25 David Caldera
26 1175 E. Ocean Blvd. #304
Long Beach, CA 90802-6503

David Caldera
11063 Belfair St.
Norwalk, CA 90650-3604