

7/29/17

1 Bureau of Real Estate
320 West 4th Street, Suite 350
2 Los Angeles, California 90013-1105
Telephone: (213) 576-6982
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FILED

NOV 07 2017

BUREAU OF REAL ESTATE

By *Suzanne Danner*

8 BEFORE THE BUREAU OF REAL ESTATE

9 DEPARTMENT OF CONSUMER AFFAIRS

10 STATE OF CALIFORNIA

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12 To:)	CalBRE No. H-40848 LA
)	
EDGAR MELGAREJO.)	<u>ORDER TO DESIST</u>
)	<u>AND REFRAIN</u>
)	(B&P Code Section 10086)
)	

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16 The Commissioner ("Commissioner") of the California Bureau of Real Estate

17 ("Bureau") caused an investigation to be made of the activities of EDGAR MELGAREJO

18 ("MELGAREJO"). Based on that investigation the Commissioner has determined that

19 MELGAREJO has engaged, is engaging in acts, or attempting to engage in the business of,

20 acting in the capacity of, and/or advertising or assuming to act as a real estate broker in the

21 State of California within the meaning of Business and Professions Code ("Code") section

22 10131, subdivision (a) (sell or offer to sell, buy or offer to buy, or solicit prospective purchasers

23 or sellers, or solicit or obtain listings of, or negotiate the purchase, sale, or exchange of real

24 property or a business opportunity) and/or subdivision (d) (soliciting borrowers for or

1 negotiating loans or performing services for borrowers in connection with loans secured by real
2 property). In addition, based on that investigation, the Commissioner has determined that
3 MELGAREJO has engaged in or is engaging in acts or is attempting to engage in or has
4 engaged in or is engaging in acts or is attempting to engage in practices constituting violations
5 of the Code. Based on the findings of that investigation, set forth below, the Commissioner
6 hereby issues the following Findings of Fact, Conclusions of Law, and Desist and Refrain
7 Order under the authority of Section 10086 of the Code.

8 FINDINGS OF FACT

9 1. MELGAREJO has never been licensed by the Bureau in any capacity and does not
10 hold a mortgage loan originator license endorsement.

11 2. From on or about 2016, through the present, MELGAREJO has been employed as an
12 assistant with Sunrise Acceptance Corp. ("SAC"), a real estate corporation, License ID
13 01298785.

14 4. For an unknown period of time that includes December, 2016 through March, 2017,
15 MELGAREJO solicited services as a mortgage consultant to borrowers and purchasers of real
16 property on MELGAREJO's Facebook account, micasaessucasa.com and on
17 www.edgarmelgarejo.com. The services included, without limitation, assisting and advising
18 borrowers with refinancing home loans and obtaining loans to purchase a home.

19 5. On February 7, 2017, a CalBRE Special Investigator ("SI") visited the main office
20 location for SAC. The SI pretended to be a homeowner interested in selling his current home
21 and concurrently purchasing another home with a loan.

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1 6. MELGAREJO met with the SI, alone, and explained the types of loans and quoted
2 interest rates for a mortgage loan that the SI might obtain based on the information provided by
3 the SI. MELGAREJO also discussed the possible loan costs and commission fee if the SI
4 decided to move forward with obtaining a loan through SAC. MELGAREJO provided his
5 business card to the SI at the meeting. The business card listed MELGAREJO's title as
6 Transaction Coordinator for SAC.

7 7. Thereafter, the SI subsequently contacted MELGAREJO, SAC and SAC's designated
8 broker-officer, Francisco Guillermo Hernandez ("Hernandez") concerning MELGAREJO's
9 websites and solicitation of mortgage loan services.

10 8. According to MELGAREJO, he did not advise SAC and Hernandez of his websites
11 and business card.

12 9. According to Hernandez, the websites were subsequently taken down and
13 MELGAREJO's employment contract with SAC requires that MELGAREJO abide by SAC's
14 policies prohibiting unlicensed broker activities.

15 CONCLUSIONS OF LAW

16 Based on the information contained in Paragraphs 1 through 9, above, EDGAR
17 MELGAREJO violated Code Section 10130 by engaging in activities requiring a real estate
18 license pursuant to Code section 10131, without first obtaining a broker or salesperson license
19 from the Bureau.

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1 DESIST AND REFRAIN ORDER

2 Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW stated herein, IT
3 IS HEREBY ORDERED THAT EDGAR MELGAREJO, while doing business in his name or
4 any other fictitious business name, immediately desist and refrain from performing any acts
5 within the State of California for which a real estate broker license or salesperson is required,
6 unless he is so licensed.

7 DATED: 11/2/17

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9 WAYNE S. BELL
10 REAL ESTATE COMMISSIONER

11
12 By: Daniel J. Sandri
13 DANIEL J. SANDRI
14 Chief Deputy Commissioner

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