

Flag Facts

1 Bureau of Real Estate
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FILED

NOV 14 2017

BUREAU OF REAL ESTATE

By Sydney Donay

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

10 To:)	CalBRE No. H-40863 LA
)	
11 ANDRES MARTINEZ)	<u>ORDER TO DESIST</u>
12 VIRGINIA MARTINEZ,)	<u>AND REFRAIN</u>
KYLE BASSETT,)	
13 CARLOS SALAZAR,)	(B&P Code Section 10086)
SYNERGY PARTNERS OF AMERICA, INC.)	
14 and ELITE PROFESSIONAL SERVICES.)	

15

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

17 caused an investigation to be made of the activities of ANDRES MARTINEZ, aka Andres

18 Martinez, Jr. and Andy Martinez, VIRGINIA MARTINEZ, KYLE BASSETT, CARLOS

19 SALAZAR, SYNERGY PARTNERS OF AMERICA, INC., and ELITE PROFESSIONAL

20 SERVICES (collectively "Respondents"). Based on that investigation the Commissioner has

21 determined that Respondents have engaged in or are engaging in acts or are attempting to engage

22 in the business of, acting in the capacity of, and/or advertising or assuming to act as real estate

23 brokers in the State of California within the meaning of Business and Professions Code Sections

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1 10131(d) (soliciting, negotiating and performing services for borrowers in connection with loans
2 secured by real property) and 10131.2 (advance fee handling).

3 In addition, based on that investigation, the Commissioner has determined that
4 Respondents have engaged in or are engaging in acts or are attempting to engage practices
5 constituting violations of the California Business and Professions Code ("Code") and/or Title
6 10, California Code of Regulations ("Regulations"). Based on the findings of that investigation,
7 set forth below, the Commissioner hereby issues the following Findings of Fact, Conclusions of
8 Law, and Desist and Refrain Order under the authority of Section 10086 of the Code.

9 Whenever acts referred to below are attributed to Respondents, those acts are alleged to
10 have been done by those individuals or entities or acting by and/or through one or more agents,
11 associates, affiliates, and/or conspirators, while using fictitious business names including, but
12 not limited to, ELITE PROFESSIONAL SERVICES, SYNERGY PARTNERS OF AMERICA,
13 INC., Synergy Investment Partners, One World Alliance, Inc., National Mitigation Services, and
14 MarCam Law Group.

15 FINDINGS OF FACT

16 1. Respondents are not licensed in any capacity by the Bureau.

17 2. On March 7, 2013, the Bureau filed an Order to Desist and Refrain against Robert
18 Campoy, ANDRES MARTINEZ, and One World Alliance, Inc., in Bureau Case No. H-04467
19 SD for violation of Code section 10130 through the solicitation of borrowers for loan
20 modification services and collection of advance fees for loan modification and foreclosure
21 forbearance services.

22 3. SYNERGY PARTNERS OF AMERICA, INC. ("SYNERGY") is a California
23 corporation formed on or about March 20, 2007. SYNERGY's corporate rights and privileges
24 are currently suspended (Corporation No. C2974860).

1 4. ANDRES MARTINEZ is the Chief Executive Officer, Chief Financial Officer, and
2 Agent for Service of Process of SYNERGY.

3 5. VIRGINIA MARTINEZ is the Secretary for SYNERGY.

4 6. On January 16, 2014, the State Bar of California issued an Opinion in State Bar Case
5 No. 11-O-15502 concerning attorney Jack Chien-Long Huang. The matter involved allegations
6 of misconduct concerning Huang's operation of a loan modification business with ANDRES
7 MARTINEZ and Robert Campoy ("Campoy"), both unlicensed attorneys. The loan
8 modification business, National Mitigation Services ("NMS"), operated in Corona, California.
9 In or around 2011, Huang terminated his business relationship with ANDRES MARTINEZ and
10 Campoy. MARTINEZ and Campoy continued to engage in loan modification activities under
11 the name, MarCam Law Group.

12 7. On September 19, 2014, KYLE BASSETT filed, or caused to be filed, a Fictitious
13 Business Name Statement with the Riverside County Recorder's Office for SYNERGY's use
14 of the fictitious business name: ELITE PROFESSIONAL SERVICES. BASSETT signed the
15 form as Assistant and Secretary for ANDRES MARTINEZ and SYNERGY.

16 8. On February 2, 2015, ANDRES MARTINEZ filed, or caused to be filed, a separate
17 Fictitious Business Name Statement with the Riverside County Recorder's Office for
18 SYNERGY's use of the fictitious business name: ELITE PROFESSIONAL SERVICES.
19 ANDRES MARTINEZ signed the form as CEO for SYNERGY. ELITE PROFESSIONAL
20 SERVICES began transacting business on September 1, 2014, according to the form.

21 9. For an unknown period of time beginning no later than September 1, 2014,
22 Respondents have advertised, solicited, and offered to perform loan modifications and related
23 foreclosure forbearance services to consumers in California, and collected advance fees within
24 the meaning of Code Section 10026 for said services. The loan modification services offered

1 included negotiating with lenders on behalf of borrowers to refinance or modify the terms of
2 mortgage loans and to prevent foreclosure.

3 10. Respondents advertise services that require a real estate broker license pursuant to
4 Code section 10131 on the website: www.elitepro-services.com.

5 11. On or about February 2, 2015, ANDRES MARTINEZ and CARLOS SALAZAR,
6 while using the fictitious business name, ELITE PROFESSIONAL SERVICES (ESP), solicited
7 loan modification and foreclosure forbearance services to homeowner and borrower S.D.¹ for
8 S.D.'s property located in Riverside, California. ANDRES MARTINEZ provided his EPS
9 business card as ESP's Administration Director to S.D. CARLOS SALAZAR provided his
10 EPS business card as ESP's Client Relations Representative to S.D.

11 12. On February 3, 2015, S.D. and F.D. paid an advance fee of \$1,500 to EPS for loan
12 modification services and foreclosure forbearance services.

13 13. On or about March 1, 2015, S.D.'s property was sold through a Trustee's Sale.

14 14. EPS continued to charge and collect advance fees from S.D. and F.D. by claiming
15 that EPS's attorneys would save S.D.'s property from foreclosure.

16 15. Respondents are not licensed to practice law in the State of California and did not
17 provide a retainer for legal services to S.D.

18 16. Respondents claimed to use attorneys for loan modification services in an attempt to
19 circumvent existing laws prohibiting unlicensed activity and the collection of advance fees from
20 homeowners prior to the completion of loan modification or foreclosure forbearance services.

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23
24 ¹ Initials are used in place of individuals' full names to protect their privacy. Documents containing individuals' full names will be provided during the discovery phase of this case to Respondents and/or their attorneys, after service of a timely and proper request for discovery on Complainant's counsel.

1 17. On April 24, 2015, S.D. and F.D. paid an advance fee of \$3,500 to EPS for loan
2 modification services, foreclosure forbearance, and/or short sale services.

3 18. On May 1, 2015, S.D. and F.D. paid an advance fee of \$2,000 to EPS for loan
4 modification services, foreclosure forbearance, and/or short sale services.

5 19. On June 7, 2015, S.D. and F.D. paid an advance fee of \$1,500 to EPS for loan
6 modification services, foreclosure forbearance, and/or short sale services.

7 20. On July 23, 2015, S.D. and F.D. paid an advance fee of \$1,000 to EPS for loan
8 modification services, foreclosure forbearance, and/or short sale services.

9 21. On September 2, 2015, S.D. and F.D. paid an advance fee of \$1,000 to EPS for loan
10 modification services, foreclosure forbearance, and/or short sale services.

11 22. EPS failed to provide the loan modification, foreclosure forbearance, or short sale
12 services promised to S.D. and F.D.

13 CONCLUSIONS OF LAW

14 1. Based on the information contained in Paragraphs 1 through 22, above, Respondents
15 violated Code Section 10130 by engaging in the activities without first obtaining a broker
16 license from the Bureau.

17 2. Based on the information contained in Paragraphs 1 through 22, above, Respondents
18 violated Code Section 10085.6 and Civil Code Section 2944.7 by charging and collecting
19 compensation for loan modification or forbearance services prior to performing said services.

20 DESIST AND REFRAIN ORDER

21 Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW stated herein, it is
22 hereby ordered that Respondents immediately desist and refrain from:

23 1. Performing any acts within the State of California for which a real estate broker
24 license is required, unless you are so licensed;

1 2. Charging, demanding, claiming, collecting and/or receiving advance fees, as that
2 term is defined in Section 10026 of the Code, in any form, and under any conditions, with
3 respect to the performance of loan modifications or any other form of mortgage loan forbearance
4 service in connection with loans on residential property containing four or fewer dwelling units;
5 and

6 3. Charging, demanding, claiming, collecting and/or receiving advance fees, as that
7 term is defined in Section 10026 of the Code, for any other real estate related services offered by
8 them to others.

9 DATED: 11/7/17

10 WAYNE S. BELL
11 REAL ESTATE COMMISSIONER

12 By: 
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
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).”

19 cc: Synergy Partners of America, Inc. / Andres Martinez
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 Carlos Salazar
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