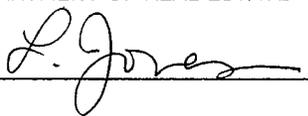


FILED

1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 187000
3 Sacramento, CA 95818-7000

February 17, 2012

4 Telephone: (916) 227-0789

DEPARTMENT OF REAL ESTATE
By 

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7
8 STATE OF CALIFORNIA

9 DEPARTMENT OF REAL ESTATE

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NORFILIA GARZA

No. H-2720 FR

ORDER TO DESIST AND REFRAIN
(B&P Code Section 10086)

15 The Commissioner of the California Department of Real Estate (“Department”)
16 caused an investigation to be made of the activities of NORFILIA GARZA (“GARZA”). Based
17 on that investigation, the Commissioner has determined that GARZA has engaged in, is
18 engaging in, or is attempting to engage in, acts or practices constituting violations of the
19 California Business and Professions Code (“Code”) and/or Title 10, Chapter 6, California Code
20 of Regulations (“Regulations”), including the business of, acting in the capacity of, and/or
21 advertising or assuming to act as, a real estate broker in the State of California within the
22 meaning of Sections 10131(d) (performing services for borrowers and/or lenders in connection
23 with loans secured by real property) and 10131.2 (real estate broker license required to charge
24 and collect an advance fee) of the Code. Furthermore, based on the investigation, the
25 Commissioner hereby issues the following Findings of Fact, Conclusions of Law, and Desist
26 and Refrain Order under the authority of Section 10086 of the Code.

27 ///

1 FINDINGS OF FACT

2 1. At no time mentioned was GARZA licensed by the Department in any
3 capacity.

4 2. During the period of time set forth below, GARZA solicited borrowers and
5 negotiated to do one or more of the following acts for another or others, for or in expectation of
6 compensation; negotiate one or more loans for, or perform services for, borrowers and/or lenders
7 in connection with loans secured directly or collaterally by one or more liens on real property;
8 and charge, demand or collect an advance fee for any of the services offered.

9 3. Beginning on or about May 20, 2010, GARZA solicited Jose and Marisol
10 E. ("Jose and Marisol") in order to provide loan modification and negotiation services on behalf
11 of Jose and Marisol in connection with a loan secured by real property located at 1179 W.
12 Jameson Avenue, Fowler, California.

13 4. Between, on, or about May 20, 2010, and June 18, 2010, GARZA
14 demanded and received an advance fee totaling \$800 from Jose and Marisol for the activities
15 described in Paragraph 3.

16 CONCLUSIONS OF LAW

17 5. Based on the findings of fact contained in paragraphs 1 through 4,
18 GARZA solicited one or more borrowers to perform services for those borrowers and/or those
19 borrowers' lenders in connection with loans secured directly or collaterally by one or more liens
20 on real property located within the State of California, and charged, demanded or collected
21 advance fees for the services to be provided, which acts require a real estate broker license under
22 Sections 10131(d) (real estate license required for enumerated acts) and 10131.2 (real estate
23 broker license required to charge or collect an advance fee) of the Code, in violation of Section
24 10130 (license required) of the Code.

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1 (d) Are in compliance with California law, as amended effective as
2 of October 11, 2009, with respect to loan modification and/or forbearance services. Under
3 the amended law, you can only collect advance fees for loan modification or other mortgage
4 loan forbearance services related to commercial loans and loans for residential properties
5 containing five or more dwelling units.

6 3. Immediately desist and refrain from demanding, claiming, collecting and/or
7 receiving advance fees, as that term is defined in Section 10026 of the Code, in any form, and
8 under any conditions, with respect to the performance of loan modification or any other form of
9 mortgage loan forbearance services in connection with loans on residential property containing
10 four or fewer dwelling units.

11 DATED: 1/26/12

13 BARBARA J. BIGBY
14 Acting Real Estate Commissioner

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18 **- NOTICE -**

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