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FILED

JAN 21 2011

DEPARTMENT OF REAL ESTATE

By K. Mar

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 To:)
12)
13 FIRST AMERICAN HOME SAVER,) NO. H-5536 SAC
14 MIKE LEAL and)
15 DARROL MARTIN.) ORDER TO DESIST AND REFRAIN
) (B&P Code Section 10086)
)

16 The Real Estate Commissioner of the State of California (Commissioner) has
17 caused an investigation to be made of the activities of FIRST AMERICAN HOME SAVER
18 (FAHS), MIKE LEAL (LEAL), and DARROL MARTIN (MARTIN) including engaging in the
19 business of, acting in the capacity of, advertising, or assuming to act as a real estate broker in the
20 State of California within the meaning of Section 10131(d) of the California Business &
21 Professions Code (the Code). Based upon the findings of that investigation, as set forth below,
22 the Commissioner has determined and is of the opinion that FAHS, LEAL and MARTIN, have
23 violated Section 10130 of the Code by engaging in the business of or acting as a real estate
24 salesperson or broker, within the meaning of Sections 10085.5 (charging an advance fee), 10130
25 (act as a real estate broker or salesman without a license) and 10131(d) (soliciting borrowers for
26 services in connection with loans secured by real property) of the Code without first having
27 obtained a real estate license from the California Department of Real Estate (Department).

1 Whenever acts referred to below are attributed to FAHS, those acts are alleged to have been
2 done by FAHS, acting by itself, or by and/or through one or more agents, associates, and/or
3 co-conspirators, and using other names or fictitious names unknown at this time (the related
4 entities).

5 FINDINGS OF FACT

6 1. At no time mentioned herein were FAHS, LEAL, or MARTIN, licensed by the
7 Department as a real estate broker or real estate salesperson, as appropriate.

8 2. On or about September 2, 2010, FAHS engaged in the business of, acted in the
9 capacity of, or assumed to act as a real estate broker within the State of California within the
10 meaning of Section 10131(d) of the Code, including solicitation of borrowers for or negotiation
11 of loans or performance of services for borrowers or lenders or note owners in connection with
12 loans secured directly or collaterally by liens on real property, including but not limited to acts
13 represented on its website, such as "their objective is to provide an effective solution through
14 rigorous representation by negotiating loan modifications for their clients", that they have helped
15 hundreds of borrowers, that "we control all of the documentation and communication on your
16 behalf", that "we will manage each step of the process" and that "we specialize in assisting
17 homeowners with loan modification."

18 3. On or about September 27, 2010, FAHS and MARTIN, engaged in the business
19 of, acted in the capacity of, or assumed to act as a real estate broker within the State of California
20 within the meaning of Section 10131(d) of the Code, including solicitation of borrowers for or
21 negotiation of loans or performance of services for borrowers or lenders or note owners in
22 connection with loans secured directly or collaterally by liens on real property, including but not
23 limited to direct solicitation in response to a telephone inquiry from a Department Investigator,
24 who made a call under the name Jessica.

25 4. On or about September 29, 2010, FAHS and LEAL, engaged in the business of,
26 acted in the capacity of, or assumed to act as a real estate broker within the State of California
27 within the meaning of Section 10131(d) of the Code, including solicitation of borrowers for or

1 negotiation of loans or performance of services for borrowers or lenders or note owners in
2 connection with loans secured directly or collaterally by liens on real property, including but not
3 limited to direct mail solicitation and telephonic solicitation in response to a telephone inquiry
4 from a Department Investigator, who made a call under the name Jessica.

5 5. On or about September 27, 2010, FAHS and LEAL, engaged in the business of,
6 acted in the capacity of, or assumed to act as a real estate broker within the State of California
7 within the meaning of Section 10131(d) of the Code, including solicitation of borrowers for or
8 negotiation of loans or performance of services for borrowers or lenders or note owners in
9 connection with loans secured directly or collaterally by liens on real property, including but not
10 limited to emailing an enrollment package in response to a telephone inquiry from a Department
11 Investigator, who made a call under the name Jessica.

12 CONCLUSIONS OF LAW

13 6. Based on the findings of fact contained in paragraphs 1 through 5, FAHS, LEAL
14 and MARTIN, among other things, solicited and/or performed services for borrowers, including
15 but not limited to a Department Investigator, in connection with loans secured directly or
16 collaterally by liens on real property or on a business opportunity, for or in expectation of a
17 compensation and claimed, demanded, charged, received, collected or contracted for an advanced
18 fee for such services. Thus, FAHS, LEAL and MARTIN violated Sections 10130, 10131(d) and
19 10085.5 of the Code.

20 DESIST AND REFRAIN ORDER

21 7. Now, therefore, FIRST AMERICAN HOME SAVER, MIKE LEAL and
22 DARROL MARTIN, their employees, agents, official successors and assigns, ARE HEREBY
23 ORDERED to immediately desist and refrain from:

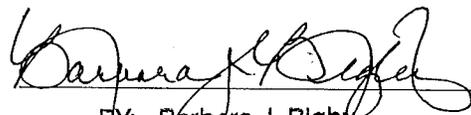
- 24 (1) performing any and all acts within the State of California for which a real estate
25 salesperson or broker license is required, unless and until they obtain a real estate
26 salesperson or broker license and

27 ///

1 (2) charging, demanding, contracting for or receiving advance fees, as that term is
2 defined in Section 10026 of the code, for acts for which a real estate salesperson or
3 broker license is required, unless and until they obtain a real estate salesperson or broker
4 license and submit an advance fee agreement to the Department for review as requested
5 by Section 10085 of the Code.

6 DATED: 1/14/2011

7 JEFF DAVI
8 Real Estate Commissioner

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10 
11 BY: Barbara J. Bigby
12 Chief Deputy Commissioner

13 **-NOTICE-**

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

21 cc: FIRST AMERICAN HOME SAVER
22 ATTN: MIKE LEAL
23 5619 Virginiatown Road
24 Newcastle, CA 95658

25 MIKE LEAL
26 5619 Virginiatown Road
27 Newcastle, CA 95658

DARROL MARTIN
5619 Virginiatown Road
Newcastle, CA 95658

ATTY RKU/km