



FILED

OCT - 8 2009

DEPARTMENT OF REAL ESTATE

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8 STATE OF CALIFORNIA

9 DEPARTMENT OF REAL ESTATE

10)	
11	To:)	No. H-10767 SF
12	TRIBECA FINANCIAL, INC.,)	
13	DAMARIS RIVERA,)	<u>ORDER TO DESIST AND REFRAIN</u>
14	MARQUISE O. MURPHY, and)	(B&P Code Section 10086)
	SALVADOR SOLORZANO,)	

15 The Commissioner (Commissioner) of the California Department of Real Estate
16 (Department) caused an investigation to be made of the activities of TRIBECA FINANCIAL,
17 INC. (TRIBECA), DAMARIS RIVERA (RIVERA), MARQUISE O. MURPHY (MURPHY),
18 and SALVADOR SOLORZANO aka SALVADOR SMITH (SMITH). Based on the
19 investigation, the Commissioner has determined that TRIBECA, RIVERA, MURPHY, and
20 SMITH, have engaged in, are engaging in, or are attempting to engage in, acts or practices
21 constituting violations of the California Business and Professions Code (Code) and/or Title 10,
22 Chapter 6, California Code of Regulations (Regulations), including the business of, acting in
23 the capacity of, and/or advertising or assuming to act as, a real estate broker in the State of
24 California within the meaning of Section 10131(d) (performing services for borrowers in
25 connection with loans secured by real property) of the Code. Furthermore, based on the
26 investigation, the Commissioner hereby issues the following Findings of Fact, Conclusions of
27 Law, and Desist and Refrain Order under the authority of Section 10086 of the Code.

1 Whenever acts referred to below are attributed to TRIBECA, those acts are
2 alleged to have been done by RIVERA, MURPHY, and/or SMITH, acting by themselves, or by
3 and/or through one or more agents, associates, affiliates, and/or co-conspirators, and using the
4 names TRIBECA FINANCIAL, INC., TRIBECA FINANCIAL GROUP, or other names or
5 fictitious names unknown at this time.

6 FINDINGS OF FACT

7 1. At no time herein mentioned has TRIBECA, RIVERA, MURPHY, or
8 SMITH been licensed by the Department in any capacity.

9 2. During the period of time set out below, TRIBECA, acting by and
10 through RIVERA, MURPHY, SMITH, and/or other agents, associates, affiliates, and/or co-
11 conspirators solicited one or more borrowers and negotiated to do one or more of the following
12 acts for another or others, for or in expectation of compensation: negotiate one or more loans
13 for, or perform services for, borrowers and/or lenders in connection with loans secured directly
14 or collaterally by one or more liens on real property; and charge, demand or collect an advance
15 fee for any of the services offered, in violation of Sections 10130 (real estate broker license
16 required to perform certain acts), 10085.5 (real estate broker license required to charge or collect
17 an advance fee), and 10139 (criminal penalties for unlicensed activity) of the Code.

18 3. On or about January 13, 2009, TRIBECA, acting through RIVERA,
19 MURPHY, and/or SMITH, solicited Jose Ochoa (Ochoa) to negotiate a loan modification
20 concerning his property located at 366 Topaz St., Brentwood, CA, in which TRIBECA would
21 negotiate a loan modification for Ochoa's loan from Downey Savings (Downey); and Ochoa
22 agreed to pay, and did pay to TRIBECA, as its fee for services, the sum of \$3,500, in violation
23 of Sections 10130, 10085.5, and 10139 of the Code.

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1 CONCLUSIONS OF LAW

2 4. Based on the findings of fact contained in paragraphs 1 through 3,
3 TRIBECA, acting by and/or through one or more agents, associates, affiliates, and/or co-
4 conspirators, including RIVERA, MURPHY, and/or SMITH and using the name TRIBECA
5 FINANCIAL, INC., TRIBECA FINANCIAL GROUP, or other names or fictitious names
6 unknown at this time, solicited one or more borrowers and performed services for those
7 borrowers and/or those borrowers' lenders in connection with loans secured directly or
8 collaterally by one or more liens on real property, acts which require a real estate license under
9 Section 10131(d) of the Code, during a period of time when TRIBECA, RIVERA, MURPHY,
10 and SMITH were not licensed by the Department in any capacity.

11 DESIST AND REFRAIN ORDER

12 Based on the Findings of Fact and Conclusions of Law stated herein, you
13 TRIBECA FINANCIAL GROUP, DAMARIS RIVERA, MARQUISE O.
14 MURPHY, and SALVADOR SOLORZANO aka SALVADOR SMITH, doing business under
15 your own names, the names TRIBECA FINANCIAL, INC., TRIBECA FINANCIAL GROUP,
16 or any other names or fictitious names, ARE HEREBY ORDERED to

17 1. immediately desist and refrain from performing any acts within the State of
18 California for which a real estate broker license is required. In particular, you are ordered to
19 desist and refrain from:

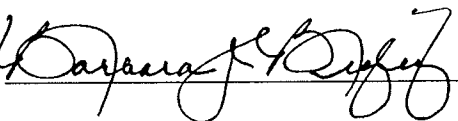
20 (i) soliciting borrowers and/or performing services for borrowers or lenders in
21 connection with loans secured directly or collaterally by one or more liens on real property, and

22 (ii) from charging, demanding, or collecting an advance fee for any of the
23 services you offer to others, unless and until you obtain a real estate broker license issued by the
24 Department, and until you demonstrate and provide evidence satisfactory to the Commissioner
25 that you are in full compliance with all of the requirements of the Code and Regulations relating
26 to charging, collecting, and accounting for advance fees, including Section 10146 (place all
27 previously collected advance fees into a trust account for that purpose) of the Code and Sections

1 2970 (an advance fee agreement must be submitted to the Department and be in compliance
2 with the Regulations) and 2972 (must provide an accounting to trust fund owner-beneficiaries)
3 of the Regulations.

4 DATED: 10-5-09

5 JEFF DAVI
6 Real Estate Commissioner

7
8 By 
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10 **Notice:** Business and Professions Code Section 10139 provides that "Any person acting as a
11 real estate broker or real estate salesperson without a license or who advertises using words
12 indicating that he or she is a real estate broker without being so licensed shall be guilty of a
13 public offense punishable by a fine not exceeding twenty thousand dollars (\$20,000), or by
14 imprisonment in the county jail for a term not to exceed six months, or by both fine and
15 imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars
16 (\$60,000)."

15 TO: Tribeca Financial Group
16 2272 Camino Ramon, Suite 300
17 San Ramon, CA 94583

Damaris Rivera
2272 Camino Ramon, Suite 300
Hayward, CA 94544

17 Marquise O. Murphy
18 7980 Fall Creek Rd., #303
19 Dublin, CA 94568

20 Salvador Solorzano aka Salvador Smith
21 individually and as agent for service of process for Tribeca Financial, Inc.
22 2272 Camino Ramon, Suite 300
23 San Ramon, CA 94583
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