

FILED

JAN 27 2010

DEPARTMENT OF REAL ESTATE

By R. Henry

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8 STATE OF CALIFORNIA

9 DEPARTMENT OF REAL ESTATE

10  
11 To: )  
12 ) NO. H- 2442 FR  
13 R&C RESOLUTION SERVICES, )  
14 ROSALINDA MUNOZ, and )  
15 CARMEN CARDENAS, ) ORDER TO DESIST AND  
16 ) REFRAIN  
17 ) (B&P Code Section 10086)  
18 Respondents. )  
19 )

20 The Commissioner (Commissioner) of the California Department of Real Estate  
21 (Department) caused an investigation to be made of the activities of R&C RESOLUTION  
22 SERVICES ("R&C"), ROSALINDA MUNOZ ("R. MUNOZ"), and CARMEN CARDENAS  
23 ("CARDENAS"). Based on that investigation, the Commissioner has determined that R&C, R.  
24 MUNOZ and CARDENAS have engaged in, are engaging in, or are attempting to engage in, acts  
25 or practices constituting violations of the California Business and Professions Code (Code)  
26 and/or Title 10, Chapter 6, California Code of Regulations (Regulations), including the business  
27 of, acting in the capacity of, and/or advertising or assuming to act as, a real estate broker in the  
State of California within the meaning of Section 10131(d) (performing services for borrowers in

1 connection with loans secured by real property) of the Code. Furthermore, based on the  
2 investigation, the Commissioner hereby issues the following Findings of Fact, Conclusions of  
3 Law, and Desist and Refrain Order under the authority of Section 10086 of the Code.

4  
5 Whenever acts referred to below are attributed R&C, those acts are alleged to  
6 have been done by R. MUNOZ and/or CARDENAS, acting by themselves, or by and/or through  
7 one or more agents, associates, affiliates, and/or co-conspirators, including, but not limited to R  
8 MUNOZ and/or CARDENAS, and using the name R&C or other names or fictitious names  
9 unknown at this time.

10 FINDINGS OF FACT

11 1. At no time herein mentioned has R&C been licensed by the Department  
12 in any capacity.

13 2. At no time herein mentioned has R. MUNOZ been licensed by the  
14 Department in any capacity.

15 3. At no time herein mentioned has CARDENAS been licensed by the  
16 Department in any capacity.

17 4. Beginning on at least August 5, 2008, and continuing to the present,  
18 R&C, acting by and through R. MUNOZ, CARDENAS and/or other agents, associates,  
19 affiliates, and/or co-conspirators, solicited one or more borrowers and negotiated to do one or  
20 more of the following acts for another or others, for or in expectation of compensation:  
21 negotiate one or more loans for, or perform services for, borrowers and/or lenders in connection  
22 with loans secured directly or collaterally by one or more liens on real property; and charge,  
23 demand or collect an advance fee for any of the services offered, in violation of Sections 10130  
24 (real estate broker license required to perform certain acts), 10085.5 (real estate broker license  
25 required to charge or collect an advance fee), and 10139 (criminal penalties for unlicensed  
26 activity) of the Code.

27 ///

1           5.       Beginning on or about August 30, 2008, and continuing on and off until  
2 at least March 2, 2009, R. MUNOZ and CARDENAS demanded from Maria Garcia the  
3 payment of cash totaling approximately \$28,600.00 as advanced fees for loan modification  
4 services R&C, R. MUNOZ and CARDENAS were to perform on behalf of and for the benefit  
5 of Maria Garcia in connection with loans secured by Maria Garcia's real property commonly  
6 referred to as 291 Casserly Road and 32 Littleway Lane, Watsonville, California ("Watsonville  
7 Properties"); all in violation of Sections 10130, 10085.5, and 10139 of the Code.

8           6.       At all times relevant herein R&C, R. MUNOZ and CARDENAS failed to  
9 provide Maria Garcia with a written advance fee agreement that had been submitted to the  
10 Department for review and issuance of a "No Objection" letter or any advance fee agreement at  
11 all.

12           7.       At approximately 8:55 a.m. on June 18, 2009, Deputy Commissioner  
13 Rene Esquivel of the Fresno District Office of The California Department of Real Estate  
14 contacted R. MUNOZ via telephone at R&C's Salinas, California telephone number. Deputy  
15 Commissioner Esquivel, using the assumed name Diego Lopez, spoke with an individual who  
16 indentified herself as CARDENAS. CARDENAS informed Deputy Commissioner Esquivel  
17 that R&G provided "loan modification services to distressed homeowners" and confirmed that  
18 R&G's offices were located at 20 Maple Street, Salinas, California. The interview was  
19 conducted in Spanish.

20           8.       Upon completion of his June 18, 2009 telephone discussions with  
21 CARDENAS, Deputy Commissioner Esquivel was transferred to an individual who identified  
22 herself as R. MUNOZ. Deputy Commissioner Esquivel informed R. MUNOZ that a Notice of  
23 Default was filed against "his home". R. MUNOZ confirmed that R&G performed loan  
24 modification services and confirmed that a Notice of Default was not a problem as it "helps her  
25 in persuading the lender to renegotiate" the loan. R. MUNOZ requested that Deputy  
26 Commissioner Esquivel pay an advance fee of \$3,600 to undertake the representation.  
27 R. MUNOZ stated that once the paperwork for the loan modification was completed an



1  
2 (a) an advance fee agreement which had been submitted to  
3 the Department and which is in compliance with Sections  
4 2970 and 2972 of the Regulations;

5 (b) R&C, R. MUNOZ and CARDENAS placed all  
6 previously collected advance fees into a trust account for  
7 that purpose and are in compliance with Section 10146 of  
8 the Code; and,

9 (c) R&C, R. MUNOZ and CARDENAS provided an  
10 accounting to trust fund owner-beneficiaries pursuant to  
11 Section 2972 of the Regulations.

12 **DESIST AND REFRAIN ORDER**

13 **BASED ON THE FINDINGS OF FACT AND CONCLUSIONS OF LAW**  
14 **STATED HEREIN, YOU, R&C RESOLUTION SERVICES, ROSALINDA MUNOZ and/or**  
15 **CARMEN CARDENAS, WHETHER DOING BUSINESS UNDER YOUR OWN NAMES, OR**  
16 **ANY OTHER NAMES OR FICTITIOUS NAMES, ARE HEREBY ORDERED TO:**

17 1. Immediately desist and refrain from charging, demanding, claiming, collecting  
18 and/or receiving advance fees, as that term is defined in Section 10026 of the Code, in any form,  
19 and under any conditions, with respect to the performance of loan modification or any other  
20 form of mortgage loan forbearance services in connection with loans on residential property  
21 containing four or fewer dwelling units; and

22 2. Immediately desist and refrain from charging, demanding, claiming, collecting  
23 and/or receiving advance fees, as that term is defined in Section 10026 of the Code, for any of the  
24 other real estate related services you offer to others, unless and until you demonstrate and provide  
25 evidence satisfactory to the Commissioner that you are properly licensed by the Department as a  
26 real estate broker, and that:

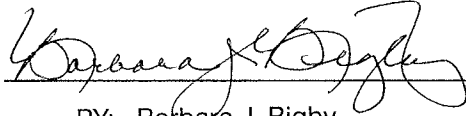
27 (1) you have an advance fee agreement which has been submitted to the  
Department and which is in compliance with Section 10085 of the  
Code and Section 2970 of the Regulations;

1 (2) you have placed all previously collected advance fees into a trust  
2 account for that purpose and are in compliance with Section 10146 of  
the Code; and

3 (3) you have provided an accounting to trust fund owner-beneficiaries  
4 pursuant to Section 2972 of the Regulations.

5 DATED: 1/25, 2010.

6  
7 JEFF DAVI  
8 Real Estate Commissioner

9 By   
10 BY: Barbara J. Bigby  
11 Chief Deputy Commissioner

12 **- NOTICE -**

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

20 cc: R&C Resolution Services  
21 ATTN: Carmen Cardenas  
22 20 Maple Street  
Salinas, CA 93901

23 Carmen Cardenas  
24 20 Maple Street  
Salinas, CA 93901

25 Rosalinda Munoz  
26 20 Maple Street  
27 Salinas, CA 93901