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FILED
AUG - 4 2010
DEPARTMENT OF REAL ESTATE

By C. [Signature]

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8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

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11 To:) No. H-36589 LA
12)
13 SYNERGY MORTGAGE SOLUTIONS,) AMENDED ORDER TO DESIST
14 INC., doing business as) AND REFRAIN
15 First Premier Capital Lending;)
16 JUDI L. WOODS, individually,) (B&P Code Section 10086)
17 and as designated officer of)
18 Synergy Mortgage Solutions,)
19 Inc.; CHRISTOPHER ANTHONY)
20 ZARBO; OMAR SEGURA; FABIOLA)
21 TERESA PADILLA; MELISSA)
22 ESCOBAR; DIANA ORTIZ; DAVID)
23 JANSSEN; HUMBERTO CUEVAS;)
24 MELISSA HUGHBANKS; JOHN H.)
EVDJUKIAN; BEATRICE)
LANDAVERDE; JAY M. DAVIS;)
ANGELINA M. MONTOYA; GENO)
KIRKLAND; GAIL ROY PUNZALAN;)
JACKIE GARCIA; RICK RODRIGUEZ;)
RAMIRO MARTINEZ; SERGIO GOMEZ;)
ANDRES GONZALEZ; DAVID PEREZ;)
EDDIE VASQUEZ; WILL RUSH; and)
JODI GONZALEZ.)

25 The Commissioner ("Commissioner") of the California Department of Real Estate
26 ("Department") caused an investigation to be made of the activities of SYNERGY MORTGAGE
27 SOLUTIONS, INC. ("SYNERGY"), doing business as First Premier Capital Lending; JUDI L.

WOODS ("WOODS"), individually, and as designated officer of Synergy Mortgage Solutions, Inc.; CHRISTOPHER ANTHONY ZARBO; OMAR SEGURA; FABIOLA TERESA PADILLA; MELISSA ESCOBAR; DIANA ORTIZ; DAVID JANSSEN; HUMBERTO CUEVAS; MELISSA HUGHBANKS; JOHN H. EVDJUKIAN; BEATRICE LANDAVERDE; JAY M. DAVIS; ANGELINA M. MONTOYA; GENO KIRKLAND; GAIL ROY PUNZALAN; JACKIE GARCIA; RICK RODRIGUEZ; RAMIRO MARTINEZ; SERGIO GOMEZ; ANDRES GONZALEZ; DAVID PEREZ; EDDIE VASQUEZ; WILL RUSH; and JODI GONZALEZ and has determined that each of them engaged in or is engaging in acts or practices constituting violations of the California Business and Professions Code ("Code") and/or Title 10, California Code of Regulations ("Regulations") including engaging in the business of, acting in the capacity of, advertising, or assuming to act, as real estate brokers in the State of California within the meaning of Section 10131(d) (soliciting borrowers or lenders or negotiating loans) and Section 10131.2 (advance fee handling). Based on the findings of that investigation, as set forth below, the Commissioner hereby issues the following Findings of Fact and Desist and Refrain Order pursuant to Section 10086 of the Code.

FINDINGS OF FACT

1. SYNERGY was licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the Code) as a corporate real estate broker. On July 28, 2009, SYNERGY's real estate license expired. SYNERGY has renewal rights under Section 10201 of the Code. The Department retains jurisdiction pursuant to Section 10103 of the Code.

2. WOODS is presently licensed and/or has license rights under the Real Estate Law as a real estate broker. WOODS is the designated broker-officer for SYNERGY.

3. CHRISTOPHER ANTHONY ZARBO, OMAR SEGURA, and FABIOLA TERESA PADILLA, are presently licensed and/or have license rights under the Real Estate Law as real estate salespersons.

4. At no time herein mentioned have DAVID JANSSEN, HUMBERTO CUEVAS, MELISSA HUGHBANKS, MELISSA ESCOBAR, DIANA ORTIZ, JOHN H.

1 EVDJUKIAN, BEATRICE LANDAVERDE, JAY M. DAVIS, ANGELINA M. MONTOYA,
2 GENO KIRKLAND, GAIL ROY PUNZALAN, JACKIE GARCIA, RICK RODRIGUEZ,
3 RAMIRO MARTINEZ, SERGIO GOMEZ, ANDRES GONZALEZ, DAVID PEREZ, EDDIE
4 VASQUEZ, WILL RUSH, and JODI GONZALEZ been licensed by the Department in any
5 capacity.

6 5. Whenever acts referred to below are attributed to SYNERGY, those acts are
7 alleged to have been done by SYNERGY, acting by itself, or by and/or through one or more
8 agents, associates, affiliates, and/or co-conspirators, including but not limited to each of those
9 named herein, and using the names First Premium Capital Lending Co., First Premium Capital
10 Lending, First Premium Capital, and/or C.J. Financial & Consulting, LLC, or any fictitious name
11 unknown at this time.

12 6. SYNERGY employed and/or compensated individuals, including those named
13 herein, who were not licensed as real estate salespersons or as real estate brokers to perform
14 some or all of the services alleged in Paragraph 9, below.

15 7. SYNERGY engaged in the business of claiming, demanding, charging,
16 receiving, collecting or contracting for the collection of an advance fee, as defined by Code
17 Section 10026, including but not limited to, the activities described in Paragraph 9, below.

18 8. SYNERGY failed to submit the advance fee agreements and advertising
19 referred to in Paragraph 9, below, to the Commissioner ten days before using them.

20 9. At the times set forth below SYNERGY engaged in the business of, acted in
21 the capacity of, or advertised a real estate loan service and advance fee brokerage offering to
22 perform solicitation, negotiation and modification of loans secured by liens on real property for
23 compensation or in expectation of compensation and for fees collected in advance including for,
24 but not necessarily limited to, the following:

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27 ///

<u>Date Rec'd</u>	<u>Borrower</u>	<u>Amt Collected</u>
07/30/2008	Glenda Wilson	\$1,500
09/11/2008	Marvin Randall Arnston	\$3,000
09/11/2008	Romelia Hidalgo	\$1,500
09/18/2008	Christie Zeen	\$1,500
09/22/2008	Paul & Linda M. Ruiz	\$1,500
10/04/2008	Palicarpia Paula Rodriguez	\$3,000
10/08/2008	Jessica & David Villegas	\$1,500
10/10/2008	Marisol Segovia	\$1,500
10/14/2008	Lazaro R. Arteaga	\$3,000
10/18/2008	Martha Bautista	\$1,500
10/27/2008	Alexander Wain	\$1,500
10/28/2008	Josefina Garcia-Magdaleno	\$1,500
10/31/2008	Maria Lourdes Guzman	\$3,000
11/02/2008	James C. Zammiello	\$4,500
11/06/2008	Guillermo Guevara	\$1,500
11/28/2008	Oscar Boyerman	\$1,500
12/04/2008	Isabel Reynoso	\$1,500
12/05/2008	Andrew Gilmor	\$1,500
12/09/2008	Tina Saravan	\$1,500
12/15/2008	Humberto Nunez	\$3,000
12/31/2008	Oscar L. Maldonado	\$6,000
01/27/2009	Evel Zepeda Valenzuela	\$2,000

02/12/2009	Victor & Claudia Villa	\$2,000
02/26/2009	Josephina & Cristino Quezada	\$2,000
03/10/2009	Steven Squires & Barbara Carrillo	\$2,000
03/29/2009	Keith Archibald	\$2,000

CONCLUSIONS OF LAW

10. The activities described in Paragraph 9, above, require a real estate license under Section 10131(d) and Section 10131.2 of the Code.

11. Based on the information contained in Paragraphs 6 through 9, above, CHRISTOPHER ANTHONY ZARBO, OMAR SEGURA, FABIOLA TERESA PADILLA, MELISSA ESCOBAR, DIANA ORTIZ, DAVID JANSSEN, HUMBERTO CUEVAS, MELISSA HUGHBANKS, JOHN H. EVDJUKIAN, BEATRICE LANDAVERDE, JAY M. DAVIS, ANGELINA M. MONTOYA, GENO KIRKLAND, GAIL ROY PUNZALAN, JACKIE GARCIA, RICK RODRIGUEZ, RAMIRO MARTINEZ, SERGIO GOMEZ, ANDRES GONZALEZ, DAVID PEREZ, EDDIE VASQUEZ, WILL RUSH, and JODI GONZALEZ performed and/or participated in loan solicitation, negotiation and modification activities which require a real estate broker license under the provisions of Code Sections 10131(d) and 10131.2 during a period of time when none of them was licensed by the Department as a real estate broker nor employed as a real estate salesperson by the broker on whose behalf the activities were performed in violation of Section 10130 of the Code.

12. Based on the information contained in Paragraphs 6 and 9, above, SYNERGY violated Section 10137 of the Code by employing and/or compensating individuals who were not licensed as a real estate salesperson or as a broker to perform activities requiring a real estate license.

1 13. Based on the information contained in Paragraphs 7 and 9, above,
2 SYNERGY collected fees pursuant to an agreement which constitutes an advance fee agreement
3 within the meaning of Code Section 10085.

4 14. Based on the information contained in Paragraphs 7, 8, and 9, above, the
5 failure by SYNERGY to submit the advance fee agreement and advertising to the
6 Commissioner ten days before using it constitutes a violation of Code Section 10085 and
7 Section 2970 of the Regulations.

8 DESIST AND REFRAIN ORDER
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10 Based on the Findings of Fact and Conclusions of Law stated herein:

11 1. IT IS HEREBY ORDERED that SYNERGY MORTGAGE SOLUTIONS,
12 INC. and JUDI L. WOODS, whether doing business under their own names, or any other
13 fictitious name(s):

14 (i) Immediately desist and refrain from charging, demanding, claiming,
15 collecting and/or receiving advance fees, as that term is defined in Section 10026 of the Code,
16 in any form, and under any conditions, with respect to the performance of loan modification or
17 any other form of mortgage loan forbearance services in connection with loans on residential
18 property containing four or fewer dwelling units (Code Section 10085.6).

19 (ii) Immediately desist and refrain from charging, demanding, claiming,
20 collecting and/or receiving advance fees, as that term is defined in Section 10026 of the Code,
21 for any of the other real estate related services offered to others, unless and until SYNERGY
22 MORTGAGE SOLUTIONS, INC. and JUDI L. WOODS, and each of them, demonstrate and
23 provide evidence satisfactory to the Commissioner that each:

24 (a) has an advance fee agreement which has been submitted to the Department
25 and which is in compliance with Section 10085 of the Code and Section 2970 of the Regulations;
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1 (b) has placed all previously collected advance fees into a trust account for that
2 purpose and is in compliance with Section 10146 of the Code; and

3 (c) has provided an accounting to trust fund owner-beneficiaries from whom
4 advance fees have previously been collected in compliance with Code Section 10146 and Section
5 2972 of the Regulations.

6 2. SYNERGY MORTGAGE SOLUTIONS, INC. and JUDI L. WOODS
7 immediately desist and refrain from employing or compensating any person for performing any
8 act for which a real estate license is required unless that person is licensed as a real estate broker,
9 or as a real estate salesperson licensed under the broker employing or compensating him/her. In
10 particular, SYNERGY MORTGAGE SOLUTIONS, INC. and JUDI L. WOODS are ordered to
11 desist and refrain from:
12

13 (i) employing or compensating any person who does not hold a real estate license
14 from soliciting borrowers and/or performing services for borrowers or lenders in connection with
15 loans secured directly or collaterally by one or more liens on real property.
16

17 3. IT IS HEREBY ORDERED that CHRISTOPHER ANTHONY ZARBO,
18 OMAR SEGURA, FABIOLA TERESA PADILLA, MELISSA ESCOBAR, DIANA ORTIZ,
19 DAVID JANSSEN, HUMBERTO CUEVAS, MELISSA HUGHBANKS, JOHN H.
20 EVDJUKIAN, BEATRICE LANDAVERDE, JAY M. DAVIS, ANGELINA M. MONTOYA,
21 GENO KIRKLAND, GAIL ROY PUNZALAN, JACKIE GARCIA, RICK RODRIGUEZ,
22 RAMIRO MARTINEZ, SERGIO GOMEZ, ANDRES GONZALEZ, DAVID PEREZ, EDDIE
23 VASQUEZ, WILL RUSH, and JODI GONZALEZ, whether doing business under their own
24 names, or any other names, or any fictitious name, ARE HEREBY ORDERED to immediately
25 desist and refrain from performing any acts within the State of California for which a real estate
26 broker license is required. In particular each of them is ORDERED TO DESIST AND
27

REFRAIN from:

(i) charging, demanding, claiming, collecting and/or receiving advance fees, as that term is defined in Section 10026 of the Code, in any form, and under any conditions, with respect to the performance of loan modifications or any other form of mortgage loan forbearance service in connection with loans on residential property containing four or fewer dwelling units (Code Section 10085.6); and

(ii) charging, demanding, claiming, collecting and/or receiving advance fees, as that term is defined in Section 10026 of the Code, for any other real estate related services offered by them to others.

DATED: 7/21, 2010.

JEFF DAXI
Real Estate Commissioner

Notice: Business and Professions Code Section 10139 provides that "Any person acting as a real estate broker or real estate salesperson without a license or who advertises using words indicating that he or she is a real estate broker without being so licensed shall be guilty of a 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)."

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