

1 Department of Real Estate  
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3 Sacramento, CA 95818-7007

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**FILED**

AUG - 2 2011

DEPARTMENT OF REAL ESTATE  
By R. M. M.

6 BEFORE THE DEPARTMENT OF REAL ESTATE  
7 STATE OF CALIFORNIA

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9 To: )  
10 ) NO. H-5650 SAC  
11 JULISSA GARCIA. )  
12 ) ORDER TO DESIST AND REFRAIN  
13 ) (B&P Code Section 10086)

14 The Commissioner ("the Commissioner") of the California Department of Real  
15 Estate ("the Department") caused an investigation to be made of the activities of JULISSA  
16 GARCIA, also known as "Julissa Ramirez", ("Respondents"). Based on that investigation, the  
17 Commissioner has determined that Respondent has engaged in, is engaging in, or is attempting  
18 to engage in, acts or practices constituting violations of the California Business and Professions  
19 Code ("Code") and/or Title 10, Chapter 6, California Code of Regulations ("Regulations"),  
20 including acting in the capacity of, advertising or assuming to act as a real estate broker in the  
21 State of California within the meaning of Section 10131(d) (performing services for borrowers  
22 and/or lenders in connection with loans secured by real property), 10131.2 (collection of advance  
23 fees), 10085 (advance fee agreements and materials), 10085.5 (collecting unauthorized advance  
24 fees) and 10085.6 (collection of advance fee prior to performance) of the Code. Furthermore,  
25 based on the investigation, the Commissioner hereby issues the following Findings of Fact,  
26 Conclusions of Law, and Desist and Refrain Order under the authority of Section 10086 of the  
27 Code.

1 FINDINGS OF FACT

2 1. At all times relevant, Respondent is and was licensed by the Department as a real  
3 estate salesperson employed by Legacy Home Loans & Real Estate.

4 2. At no time has Salas Properties, LLC, been licensed to conduct real estate  
5 activities in the State of California.

6 3. During the period of time set out below, Respondent solicited borrowers and/or  
7 performed services for one or more borrowers and negotiated to do one or more of the following  
8 acts for another or others, for or in expectation of compensation: negotiate one or more loans  
9 for, or perform services for, borrowers and/or lenders with respect to the collection of advance  
10 fees and loan modification, loan refinance, principal reduction, foreclosure abatement or short  
11 sale services and/or those borrowers' lenders in connection with loans secured directly or  
12 collaterally by one or more liens on real property; and charged, demanded or collected an  
13 advance fee for any of the services offered.

14 4. On or about November 21, 2009, Respondent entered into an advance fee  
15 agreement with Resham K. and Balvinder K. to provide loan modification services for their real  
16 property located at 10789 Winward Avenue, Stockton, California. At the time, Respondent was  
17 representing Legacy Home Loans & Real Estate, a licensed California real estate corporation.  
18 On or about August 20, 2010, Respondent, while representing Salas Properties, LLC, collected  
19 an advance fee of \$1,500 from Resham K. and Balvinder K. for loan modification services on  
20 the Winward Avenue property. Respondent and Salas Properties, LLC, never obtained a loan  
21 modification for Resham K. and Balvinder K. and has not refunded the money they paid.

22 CONCLUSIONS OF LAW

23 5. Based on the Findings of Fact contained in Paragraphs 1 through 4, above,  
24 JULISSA GARCIA solicited borrowers and/or performed services for those borrowers with  
25 respect to the collection of advance fees and loan modification, loan refinance, principal  
26 reduction, foreclosure abatement or short sale services and/or those borrowers' lenders in  
27 connection with loans secured directly or collaterally by one or more liens on real property; and

1 charged, demanded or collected advance fees for the services to be provided, which acts require  
2 a real estate broker license under Sections 10130 (broker license requirement), 10131(d) and  
3 10131.2 of the Code.

4 6. JULISSA GARCIA used a form of advance fee agreement which had not been  
5 provided to the Department for its prior review and consideration, in violation of Sections 10085,  
6 10085.5 and 10085.6 of the Code, and Sections 2970 (submission of advance fee materials) and  
7 2972 (content of verified accounting) of the Regulations.

8 DESIST AND REFRAIN ORDER

9 Based on the Findings of Fact and Conclusions of Law stated herein, JULISSA  
10 GARCIA, whether doing business under your own name, or any other name or fictitious name,  
11 IS HEREBY ORDERED to:

12 1. Immediately desist and refrain from charging, demanding, claiming, collecting  
13 and/or receiving advance fees, as that term is defined in Section 10026 of the Code, for any of  
14 the services you offer to others, unless and until you demonstrate and provide evidence  
15 satisfactory to the Commissioner that you are properly licensed by the Department as a real  
16 estate broker and that JULISSA GARCIA:

- 17 (a) Has an advance fee agreement which has been submitted to the Department  
18 and which is in compliance with Sections 2970 and 2972 of the Regulations;  
19 (b) Has placed all previously collected advance fees into a trust account for that  
20 purpose and are in compliance with Section 10146 (deposit of advance fees  
21 into trust account) of the Code;  
22 (c) Has provided an accounting to trust fund owner-beneficiaries pursuant to  
23 Section 2972 of the Regulations.

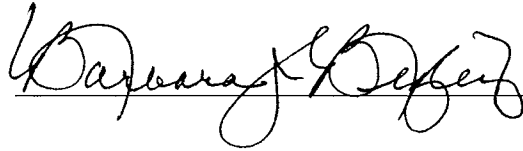
24 2. Immediately desist and refrain from demanding, claiming, collecting and/or  
25 receiving advance fees, as that term is defined in Section 10026 of the Code, in any form, and  
26 under any conditions, with respect to the performance of loan modification or any other form of

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1 mortgage loan forbearance services in connection with loans on residential property containing  
2 four or fewer dwelling units.

3 DATED: 8/1/11

4 BARBARA J. BIGBY  
5 Acting Real Estate Commissioner

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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  
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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19 cc: Julissa Garcia  
20 1803 West March Lane, Suite M  
21 Stockton, CA 95207

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23  
24 ATTY JWB:km