

1 Department of Real Estate
2 320 West Fourth St. #350
3 Los Angeles, CA 90013

4 (213) 576-6982

FILED
JAN 26 2010
DEPARTMENT OF REAL ESTATE

R. Niederholtz

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * *

11
12 To:) No. H-36439 LA
13 FRANCISCO MARQUEZ) ORDER TO DESIST AND
14) REFRAIN
15) (B&P Code Section 10086)
16)

17 The Real Estate Commissioner of the State of California ("Commissioner") has
18 caused an investigation to be made of the activities of FRANCISCO MARQUEZ. Based on that
19 investigation, the Commissioner has determined that FRANCISCO MARQUEZ has engaged in,
20 are engaging in, or is attempting to engage in, acts or practices constituting violations of the
21 California Business and Professions Code ("Code"), including engaging in the business of, acting
22 in the capacity of, and/or assuming to act as a real; estate broker in the State of California within
23 the meaning of Code Section 10131(d) (performing services for borrowers in connection with
24 loans secured by real property). Based on that investigation, the Commissioner hereby issues the
25 following Findings of Fact, Conclusions of Law, and Desist and Refrain Order under the
26 authority of Section 10086 of the Code.
27

FINDINGS OF FACT

1
2 1. FRANCISCO MARQUEZ (“MARQUEZ”) is not now and has never been
3 licensed by the Department as a real estate broker or as a real estate salesperson employed by a
4 real estate broker.

5 2. On or before November 5, 2008, MARQUEZ visited consumer Juan Arechiga
6 Rodriguez (“Arechiga”) at his home and provided him with a business card indicating that he
7 was a real estate agent and loan officer employed by Next Level Lending, located at 16742
8 Orange Way, Fontana, CA 92335. MARQUEZ offered to provide Arechiga with assistance in
9 negotiating a modification of the terms of Arechiga’s mortgage loan. MARQUEZ requested and
10 obtained confidential personal financial information from Arechiga.
11

12 3. On or about November 5, 2008, MARQUEZ collected a check for \$800.00
13 from Arechiga as an advance fee for services to be provided in relation to modification of
14 Arechiga’s mortgage loan.
15

16 4. MARQUEZ failed to deliver advance fees to a broker, or to place any of the
17 advance fees collected above into trust accounts, and did not provide accountings to the
18 consumers for disbursement of fees and/or services provided.
19

20 5. At the time of soliciting Arechiga for mortgage loan business, MARQUEZ was
21 not licensed by the Department in as a real estate broker, or as a salesperson employed by a real
22 estate broker. MARQUEZ provided no services to Arechiga and has not returned the \$800.00 he
23 collected.
24

CONCLUSIONS OF LAW

25 The conduct, acts and/or omissions of MARQUEZ, as set forth in the Findings of
26 Fact above, in soliciting fees for conducting loan modification services when not licensed by the
27

1 Department as a real estate broker or as a salesperson employed by a real estate broker licensed
2 by the Department, was in violation of Code Section 10130.

3 DESIST AND REFRAIN ORDER

4 Based on the Findings of Fact and Conclusions of Law stated herein, you,
5 FRANCISCO MARQUEZ, whether doing business under your own name, or any other names
6 or fictitious names, ARE HEREBY ORDERED to:

7
8 1. Immediately desist and refrain from soliciting borrowers and/or performing
9 services for borrowers or lenders in connection with loans secured directly or collaterally by one
10 or more liens on real property.

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

16
17 3. Immediately desist and refrain from charging, demanding, or collecting and/or
18 receiving advance fees, as that term is defined in Section 10026 of the Code, for any of the other
19 real estate related services you offer to others, unless and until you demonstrate and provide
20 evidence satisfactory to the Commissioner that you are properly licensed by the Department as a
21 real estate broker, and that:

- 22
23 (1) you have an advance fee agreement which has been submitted to the
24 Department and which is in compliance with Section 10085 of the Code
25 and Title 10, Chapter 6 of the California Code of Regulations
26 (“Regulations”), Section 2970;
27

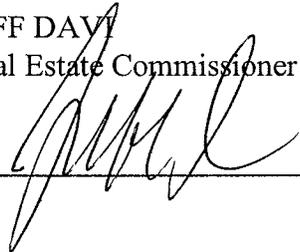
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

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

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

DATED: 12/17, 2009

JEFF DAVY
Real Estate Commissioner

By 

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).”

cc: Francisco Marquez
16742 Orange Way
Fontana, CA 92335

Francisco Marquez
436 Hanna St.
Colton, CA