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FILED
MAY 26 2011
DEPARTMENT OF REAL ESTATE

By

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * *

11 To:) No. H-37298 LA
12)
13 USMS and CALIFORNIA) ORDER TO DESIST
14 MORTGAGE RELIEF SERVICES.) AND REFRAIN
15) (B&P Code Section 10086)
16)

17 The Commissioner ("Commissioner") of the California Department of Real Estate
18 ("Department") caused an investigation to be made of the activities of USMS and CALIFORNIA
19 MORTGAGE RELIEF SERVICES. Based on that investigation the Commissioner has
20 determined that USMS and CALIFORNIA MORTGAGE RELIEF SERVICES have engaged in
21 or are engaging in acts or are attempting to engage in the business of, acting in the capacity of,
22 and/or advertising or assuming to act as real estate brokers in the State of California within the
23 meaning of Business and Professions Code Sections 10131(d) (soliciting, negotiating and
24 performing services for borrowers in connection with loans secured by real property) and
25 10131.2 (advance fee handling).

26 In addition, based on that investigation, the Commissioner has determined that
27 USMS and CALIFORNIA MORTGAGE RELIEF SERVICES have engaged in or are engaging
in acts or are attempting to engage practices constituting violations of the California Business

1 and Professions Code (“Code”) and/or Title 10, California Code of Regulations (“Regulations”).
2 Based on the findings of that investigation, set forth below, the Commissioner hereby issues the
3 following Findings of Fact, Conclusions of Law, and Desist and Refrain Order under the
4 authority of Section 10086 of the Code.

5 FINDINGS OF FACT

6 1. USMS is not now, and has never been, licensed by the Department in any
7 capacity.

8 2. CALIFORNIA MORTGAGE RELIEF SERVICES is not now, and has never
9 been, licensed by the Department in any capacity.

10 3. At the time set forth below, USMS (also known as CALIFORNIA
11 MORTGAGE RELIEF SERVICES) solicited borrowers and negotiated to do one or more of the
12 following acts for another or others, for or in expectation of compensation: engaged in the
13 business of, acted in the capacity of, or advertised a loan modification and negotiation service
14 and advance fee brokerage and solicited and offered to negotiate or perform loan modification
15 services with respect to loans which were secured by liens on real property for compensation or
16 in expectation of compensation and for fees collected in advance of the transaction.

17 4. In or around December, 2008, Lucia D.S. entered into an agreement with
18 USMS for loan modification and negotiation services of Lucia D.S.’s existing mortgage on her
19 real property located in the City of Hesperia, California.

20 5. On or about December 18, 2008, January 19, 2009, and February 24, 2009,
21 USMS, demanded and received advance fees totaling \$2,800 from Lucia D.S. for the activities
22 described in Paragraph 4, above.

23 6. In or around March, 2009, Gloria D. entered into an agreement with USMS
24 for loan modification and negotiation services of Gloria D.’s existing mortgage on her real
25 property located in the city of Los Angeles, California.

26 7. On or about March 13, 2009, USMS, demanded and received advance fees
27 totaling \$3,590 from Gloria D. for the activities described in Paragraph 6, above.

1 CONCLUSIONS OF LAW

2 8. Based on the information contained in Paragraphs 1 through 7, above, USMS
3 and CALIFORNIA MORTGAGE RELIEF SERVICES violated Section 10130 of the Code by
4 engaging in the activities without first obtaining a broker license from the Department.

5 DESIST AND REFRAIN ORDER

6 Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW stated
7 herein, it is hereby ordered that:

8 1. USMS and CALIFORNIA MORTGAGE RELIEF SERVICES immediately
9 desist and refrain from: performing any acts within the State of California for which a real estate
10 broker license is required, unless you are so licensed.

11 IT IS FURTHER ORDERED THAT USMS and CALIFORNIA MORTGAGE
12 RELIEF SERVICES immediately desist and refrain from:

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

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

21
22 DATED: 5/17, 2011.

23 Real Estate Commissioner

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1 **Notice:** Business and Professions Code Section 10139 provides that “Any person acting as a
2 real estate broker or real estate salesperson without a license or who advertises using words
3 indicating that he or she is a real estate broker without being so licensed shall be guilty of a
4 public offense punishable by a fine not exceeding twenty thousand dollars (\$20,000), or by
5 imprisonment in the county jail for a term not to exceed six months, or by both fine and
6 imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars
7 (\$60,000).”
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21 cc: USMS and California Mortgage Relief Services
22 7840 Firestone Blvd.
23 Downey, CA 90241

24 6621 Eastern Ave.
25 Bell Gardens, CA 90201

26 17800 Castleton Street, #350
27 City of Industry, CA 91748