

FILED

May 29, 2012

1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 187007
3 Sacramento, CA 95818-7007
4 Telephone: (916) 227-0791

DEPARTMENT OF REAL ESTATE

By 

8 STATE OF CALIFORNIA
9 DEPARTMENT OF REAL ESTATE

10 * * *

11 To:)	
)	NO. H-4357 SD
)	
12 GABRIEL LUNA DE LA FUENTE)	ORDER TO DESIST AND
)	REFRAIN
)	(B&P Code Section 10086)
)	
)	

16 The Commissioner (Commissioner) of the California Department of Real Estate
17 (Department) caused an investigation to be made of the activities of GABRIEL LUNA DE LA
18 FUENTE doing business under the fictitious name of SECOND TO NONE SERVICES. Based
19 on that investigation, the Commissioner has determined that GABRIEL LUNA DE LA
20 FUENTE has engaged in, is engaging in, or is attempting to engage in, acts or practices
21 requiring a real estate broker license in violation of Section 10130 of the California Business
22 and Professions Code (hereinafter "the Code"), including engaging in the business of, acting in
23 the capacity of, advertising, or assuming to act as, a real estate broker in the State of California
24 within the meaning of Section 10131(d) (on behalf of others, for or in expectation of
25 compensation, performing services for borrowers or lenders in connection with loans secured by
26 real property) of the Code without having been issued a real estate license. Based on the
27 findings of that investigation, as set forth below, the Commissioner hereby issues the following

1 Findings of Fact, Conclusions of Law, and Desist and Refrain Order under authority of Section
2 10086 of the Code.

3 FINDINGS OF FACT

4 1. At no time herein mentioned has GABRIEL LUNA DE LA FUENTE
5 been licensed by the Department in any capacity.

6 2. During the period of time set out below, solicited or negotiated with
7 borrowers and lenders to perform services in connection with loans secured by real property in
8 connection with loans secured by real property.

9 3. For an unknown period of time prior to September 9, 2009, until and
10 including July 7, 2010, GABRIEL LUNA DE LA FUENTE for or in expectation of
11 compensation solicited and/or negotiated with or on behalf of borrowers for the purpose of
12 performing services for borrowers or lenders in connection with loans secured by real property
13 to negotiate loan modification and to negotiate with the borrowers' lender in violation of
14 Section 10130 of the Code (unlawful for any person to engage in the business of, act in the
15 capacity of, advertise or assume to act as a real estate broker or salesperson unless licensed by
16 the Department), and Section 10139 of the Code (unlawful for any person to act as a real estate
17 broker or real estate salesperson without a license).

18 4. For an unknown period of time prior to September 9, 2009, until and
19 including July 7, 2010, GABRIEL LUNA DE LA FUENTE solicited Francisco H., a borrower,
20 for the purpose of performing services on behalf of said borrower in connection with loans
21 secured by said borrower's real property and for the purpose of negotiating with said borrower's
22 lenders to obtain a loan modification with respect to said borrower's real property identified as
23 517 E. Street in Chula Vista

24 CONCLUSIONS OF LAW

25 5. Based on the information contained in paragraphs 1 through 4, GABRIEL
26 LUNA DE LA FUENTE solicited or negotiated with borrowers and/or lenders to perform
27 services in connection with loans secured by real property on behalf borrowers and lenders, acts

1 which require a real estate license under Section 10131(d) of the Code, during a period of time
2 when GABRIEL LUNA DE LA FUENTE was not licensed by the Department in any capacity
3 in violation of Section 10130 of the Code.

4 DESIST AND REFRAIN ORDER

5 8. Based on the FINDINGS OF FACT and CONCLUSIONS OF LAW
6 stated herein, it is hereby ordered that GABRIEL LUNA DE LA FUENTE, doing business
7 under your own name, or any other names, ARE HEREBY ORDERED to immediately desist
8 and refrain from performing acts within the State of California for which a real estate broker
9 license is required until GABRIEL LUNA DE LA FUENTE is properly licensed. In particular,
10 you are ORDERED TO DESIST AND REFRAIN from:

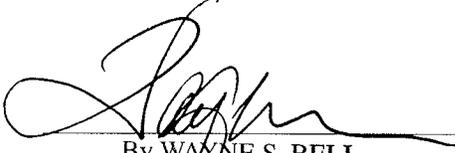
11 1.) Soliciting or negotiating with borrowers and lenders to perform services
12 in connection with loans secured by real property, unless and until you obtain a real estate
13 broker license issued by the Department;

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

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

22 DATED: May 17, 2012

23
24 Real Estate Commissioner

25
26 
27 By WAYNE S. BELL
Chief Counsel

27 ///