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FILED

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DEPARTMENT OF REAL ESTATE

By K. Mat

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

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11 To:)
12) NO. H-5452 SAC
13 ROLLING MEADOWS LLC and)
14 CARLOS ALBERTO MONTOYA)
15) 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 ROLLING MEADOWS
18 LLC and CARLOS ALBERTO MONTOYA (hereafter collectively "Respondents"). Based on
19 that investigation, the Commissioner has determined that ROLLING MEADOWS LLC and
20 CARLOS ALBERTO MONTOYA, have engaged in, are engaging in, or are attempting to
21 engage in, acts or practices constituting violations of the California Business and Professions
22 Code ("Code") and/or Title 10, Chapter 6, California Code of Regulations ("Regulations"),
23 including acting in the capacity of, advertising or assuming to act as a real estate broker in the
24 State of California within the meaning of Section 10131(d) (performing services for borrowers
25 and/or lenders in connection with loans secured by real property) and 10131.2 (collection of
26 advance fees). Furthermore, based on the investigation, the Commissioner hereby issues the

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

3 FINDINGS OF FACT

4 1. At no time mentioned herein has ROLLING MEADOWS LLC been licensed by
5 the Department in any capacity.

6 2. At no time herein mentioned has CARLOS ALBERTO MONTOYA been
7 licensed by the Department in any capacity.

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

16 4. In furtherance of their plan and scheme to solicit advance fees and provide loan
17 modification services, on or about November 29, 2008, Respondents entered into a loan
18 modification agreement with Francisco C. On or about that same date, Francisco C. provided
19 Respondents with a check in the amount of \$2,500 for loan modification services on his property
20 located at 330 Aldeburgh Circle, Sacramento, California. On or about December 1, 2008,
21 Respondents deposited the check from Francisco C. into their bank account. No loan
22 modification was ever obtained by Respondents for Francisco C., nor was his advance fee ever
23 refunded by Respondents.

24 CONCLUSIONS OF LAW

25 5. Based on the Findings of Fact contained in Paragraphs 1 through 4, above,
26 ROLLING MEADOWS LLC and CARLOS ALBERTO MONTOYA, acting by themselves or
27 through one or more agents, associates, affiliates and/or co-conspirators or fictitious names

1 unknown at this time, solicited borrowers and/or performed services for those borrowers with
2 respect to the collection of advance fees and loan modification, loan refinance, principal
3 reduction, foreclosure abatement or short sale services and/or those borrowers' lenders in
4 connection with loans secured directly or collaterally by one or more liens on real property; and
5 charged, demanded or collected advance fees for the services to be provided, which acts require
6 a real estate broker license under Sections 10131(d) and 10131.2 of the Code; and prior
7 submission by a licensed real estate broker of an advance fee agreement to the Department for its
8 review under Section 10085 of the Code, and Sections 2970 (submission of advance fee
9 materials) and 2972 (content of verified accounting) of the Regulations, so that such acts of
10 ROLLING MEADOWS LLC and CARLOS ALBERTO MONTOYA violate Sections 10085,
11 10085.5 (collecting unauthorized advance fees), 10131(d) and 10131.2 of the Code, and Sections
12 2970 and 2972 of the Regulations.

13 DESIST AND REFRAIN ORDER

14 Based on the Findings of Fact and Conclusions of Law stated herein, you,
15 ROLLING MEADOWS LLC and CARLOS ALBERTO MONTOYA, whether doing business
16 under your own name, or any other name or fictitious name, or by and/or through any related
17 entity, ARE HEREBY ORDERED to immediately desist and refrain from:

- 18 1. Performing any acts that require a real estate broker license unless and until you
19 are properly licensed by the Department as a real estate broker; and
- 20 2. Charging, demanding, claiming, collecting and/or receiving advance fees, as that
21 term is defined in Section 10026 of the Code, for any of the services you offer to
22 others, in any form, and particularly with respect to loan modification, loan
23 refinance, principal reduction, foreclosure abatement or short sale services, unless
24 and until you demonstrate and provide evidence satisfactory to the Commissioner
25 that you are properly licensed by the Department as a real estate broker and that
26 you have:

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