

1 Department of Real Estate
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FILED

APR 19 2010

DEPARTMENT OF REAL ESTATE

BY: ca

8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

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11 To:) No. H-36589 LA
12)
13 SYNERGY MORTGAGE SOLUTIONS,) ORDER TO DESIST
INC., doing business as) AND REFRAIN
14 First Premier Capital Lending;) (B&P Code Section 10086)
JUDI L. WOODS, individually,)
and as designated officer of)
15 Synergy Mortgage Solutions,)
Inc.; CHRISTOPHER ANTHONY)
16 ZARBO; OMAR SEGURA; FABIOLA)
TERESA PADILLA; MELISSA MARINA)
17 ESCOBAR; DIANA ORTIZ; DAVID)
JANSSEN; HUMBERTO CUEVAS;)
18 MELISSA HUGHBANKS; JOHN H.)
EVDJUKIAN; BEATRICE)
19 LANDAVERDE; JAY M. DAVIS;)
ANGELINA M. MONTOYA; GENO)
20 KIRKLAND; GAIL ROY PUNZALAN;)
JACKIE GARCIA; RICK RODRIGUEZ;))
21 RAMIRO MARTINEZ; SERGIO GOMEZ;))
ANDRES GONZALEZ; DAVID PEREZ;)
22 EDDIE VASQUEZ; WILL RUSH; and)
JODI GONZALEZ.)

23
24 The Commissioner ("Commissioner") of the California
25 Department of Real Estate ("Department") caused an investigation
26 to be made of the activities of SYNERGY MORTGAGE SOLUTIONS, INC.
27 ("SYNERGY"), doing business as First Premier Capital Lending;

1 JUDI L. WOODS ("WOODS"), individually, and as designated officer
2 of Synergy Mortgage Solutions, Inc.; CHRISTOPHER ANTHONY ZARBO;
3 OMAR SEGURA; FABIOLA TERESA PADILLA; MELISSA MARINO ESCOBAR;
4 DIANA ORTIZ; DAVID JANSSEN; HUMBERTO CUEVAS; MELISSA HUGHBANKS;
5 JOHN H. EVDJUKIAN; BEATRICE LANDAVERDE; JAY M. DAVIS; ANGELINA
6 M. MONTOYA; GENO KIRKLAND; GAIL ROY PUNZALAN; JACKIE GARCIA;
7 RICK RODRIGUEZ; RAMIRO MARTINEZ; SERGIO GOMEZ; ANDRES GONZALEZ;
8 DAVID PEREZ; EDDIE VASQUEZ; WILL RUSH; and JODI GONZALEZ and has
9 determined that each of them engaged in or is engaging in acts
10 or practices constituting violations of the California Business
11 and Professions Code ("Code") and/or Title 10, California Code
12 of Regulations ("Regulations") including engaging in the
13 business of, acting in the capacity of, advertising, or assuming
14 to act, as real estate brokers in the State of California within
15 the meaning of Section 10131(d) (soliciting borrowers or lenders
16 or negotiating loans) and Section 10131.2 (advance fee
17 handling). Based on the findings of that investigation, as set
18 forth below, the Commissioner hereby issues the following
19 Findings of Fact and Desist and Refrain Order pursuant to
20 Section 10086 of the Code.

21 FINDINGS OF FACT

22 1. SYNERGY was licensed and/or has license rights
23 under the Real Estate Law (Part 1 of Division 4 of the Code) as
24 a corporate real estate broker. On July 28, 2009, SYNERGY'S
25 real estate license expired. SYNERGY has renewal rights under
26 Section 10201 of the Code. The Department retains jurisdiction
27 pursuant to Section 10103 of the Code.

1 2. WOODS is presently licensed and/or has license
2 rights under the Real Estate Law as a real estate broker. WOODS
3 is the designated broker-officer for SYNERGY.

4 3. CHRISTOPHER ANTHONY ZARBO, OMAR SEGURA, FABIOLA
5 TERESA PADILLA, MELISSA MARINA ESCOBAR, and DIANA ORTIZ, are
6 presently licensed and/or have license rights under the Real
7 Estate Law as real estate salespersons.

8 4. At no time herein mentioned have DAVID JANSSEN,
9 HUMBERTO CUEVAS, MELISSA HUGHBANKS, JOHN H. EVDJUKIAN, BEATRICE
10 LANDAVERDE, JAY M. DAVIS, ANGELINA M. MONTOYA, GENO KIRKLAND,
11 GAIL ROY PUNZALAN, JACKIE GARCIA, RICK RODRIGUEZ, RAMIRO
12 MARTINEZ, SERGIO GOMEZ, ANDRES GONZALEZ, DAVID PEREZ, EDDIE
13 VASQUEZ, WILL RUSH, and JODI GONZALEZ been licensed by the
14 Department in any capacity.

15 5. Whenever acts referred to below are attributed to
16 SYNERGY, those acts are alleged to have been done by SYNERGY,
17 acting by itself, or by and/or through one or more agents,
18 associates, affiliates, and/or co-conspirators, including but
19 not limited to each of those named herein, and using the names
20 First Premium Capital Lending Co., First Premium Capital
21 Lending, First Premium Capital, and/or C.J. Financial &
22 Consulting, LLC, or any fictitious name unknown at this time.

23 6. SYNERGY employed and/or compensated individuals,
24 including those named herein, who were not licensed as real
25 estate salespersons or as real estate brokers to perform some or
26 all of the services alleged in Paragraph 9, below.

27 7. SYNERGY engaged in the business of claiming,

1 demanding, charging, receiving, collecting or contracting for
2 the collection of an advance fee, as defined by Code Section
3 10026, including but not limited to, the activities described in
4 Paragraph 9, below.

5 8. SYNERGY failed to submit the advance fee
6 agreements and advertising referred to in Paragraph 9, below, to
7 the Commissioner ten days before using them.

8 9. At the times set forth below SYNERGY engaged in
9 the business of, acted in the capacity of, or advertised a real
10 estate loan service and advance fee brokerage offering to
11 perform solicitation, negotiation and modification of loans
12 secured by liens on real property for compensation or in
13 expectation of compensation and for fees collected in advance
14 including for, but not necessarily limited to, the following:

<u>Date Rec'd</u>	<u>Borrower</u>	<u>Amt Collected</u>
07/30/2008	Glenda Wilson	\$1,500
09/11/2008	Marvin Randall Arnston	\$3,000
09/11/2008	Romelia Hidalgo	\$1,500
09/18/2008	Christie Zeen	\$1,500
09/22/2008	Paul & Linda M. Ruiz	\$1,500
10/04/2008	Palicarpia Paula Rodriguez	\$3,000
10/08/2008	Jessica & David Villegas	\$1,500
10/10/2008	Marisol Segovia	\$1,500
10/14/2008	Lazaro R. Arteaga	\$3,000
10/18/2008	Martha Bautista	\$1,500
10/27/2008	Alexander Wain	\$1,500
10/28/2008	Josefina Garcia-Magdaleno	\$1,500

1	10/31/2008	Maria Lourdes Guzman	\$3,000
2	11/02/2008	James C. Zammiello	\$4,500
3	11/06/2008	Guillermo Guevara	\$1,500
4	11/28/2008	Oscar Boyerman	\$1,500
5	12/04/2008	Isabel Reynoso	\$1,500
6	12/05/2008	Andrew Gilmor	\$1,500
7	12/09/2008	Tina Saravan	\$1,500
8	12/15/2008	Humberto Nunez	\$3,000
9	12/31/2008	Oscar L. Maldonado	\$6,000
10	01/27/2009	Evel Zepeda Valenzuela	\$2,000
11	02/12/2009	Victor & Claudia Villa	\$2,000
12	02/26/2009	Josephina & Cristino Quezada	\$2,000
13	03/10/2009	Steven Squires & Barbara Carrillo	\$2,000
14	03/29/2009	Keith Archibald	\$2,000

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16 CONCLUSIONS OF LAW

17 10. The activities described in Paragraph 9, above,
18 require a real estate license under Section 10131(d) and Section
19 10131.2 of the Code.

20 11. Based on the information contained in Paragraphs
21 6 through 9, above, CHRISTOPHER ANTHONY ZARBO, OMAR SEGURA,
22 FABIOLA TERESA PADILLA, MELISSA MARINA ESCOBAR, DIANA ORTIZ,
23 DAVID JANSSEN, HUMBERTO CUEVAS, MELISSA HUGHBANKS, JOHN H.
24 EVDJUKIAN, BEATRICE LANDAVERDE, JAY M. DAVIS, ANGELINA M.
25 MONTOYA, GENO KIRKLAND, GAIL ROY PUNZALAN, JACKIE GARCIA, RICK
26 RODRIGUEZ, RAMIRO MARTINEZ, SERGIO GOMEZ, ANDRES GONZALEZ, DAVID
27 PEREZ, EDDIE VASQUEZ, WILL RUSH, and JODI GONZALEZ performed

1 and/or participated in loan solicitation, negotiation and
2 modification activities which require a real estate broker
3 license under the provisions of Code Sections 10131(d) and
4 10131.2 during a period of time when none of them was licensed
5 by the Department as a real estate broker nor employed as a real
6 estate salesperson by the broker on whose behalf the activities
7 were performed in violation of Section 10130 of the Code.

8 12. Based on the information contained in Paragraphs
9 6 and 9, above, SYNERGY violated Section 10137 of the Code by
10 employing and/or compensating individuals who were not licensed
11 as a real estate salesperson or as a broker to perform
12 activities requiring a real estate license.

13 13. Based on the information contained in Paragraphs
14 7 and 9, above, SYNERGY collected fees pursuant to an agreement
15 which constitutes an advance fee agreement within the meaning of
16 Code Section 10085.

17 14. Based on the information contained in Paragraphs
18 7, 8, and 9, above, the failure by SYNERGY to submit the advance
19 fee agreement and advertising to the Commissioner ten days
20 before using it constitutes a violation of Code Section 10085
21 and Section 2970 of the Regulations.

22 DESIST AND REFRAIN ORDER

23 Based on the Findings of Fact and Conclusions of Law
24 stated herein:

25 1. IT IS HEREBY ORDERED that SYNERGY MORTGAGE
26 SOLUTIONS, INC. and JUDI L. WOODS, whether doing business under
27 their own names, or any other fictitious name(s):

1 (i) Immediately desist and refrain from charging,
2 demanding, claiming, collecting and/or receiving advance fees,
3 as that term is defined in Section 10026 of the Code, in any
4 form, and under any conditions, with respect to the performance
5 of loan modification or any other form of mortgage loan
6 forbearance services in connection with loans on residential
7 property containing four or fewer dwelling units (Code Section
8 10085.6).

9 (ii) Immediately desist and refrain from charging,
10 demanding, claiming, collecting and/or receiving advance fees,
11 as that term is defined in Section 10026 of the Code, for any of
12 the other real estate related services offered to others, unless
13 and until SYNERGY MORTGAGE SOLUTIONS, INC. and JUDI L. WOODS,
14 and each of them, demonstrate and provide evidence satisfactory
15 to the Commissioner that each:

16 (a) has an advance fee agreement which has been
17 submitted to the Department and which is in compliance with
18 Section 10085 of the Code and Section 2970 of the Regulations;

19 (b) has placed all previously collected advance fees
20 into a trust account for that purpose and is in compliance with
21 Section 10146 of the Code; and

22 (c) has provided an accounting to trust fund owner-
23 beneficiaries from whom advance fees have previously been
24 collected in compliance with Code Section 10146 and Section 2972
25 of the Regulations.

26 2. SYNERGY MORTGAGE SOLUTIONS, INC. and JUDI L.
27 WOODS immediately desist and refrain from employing or
compensating any person for performing any act for which a real

1 estate license is required unless that person is licensed as a
2 real estate broker, or as a real estate salesperson licensed
3 under the broker employing or compensating him/her. In
4 particular, SYNERGY MORTGAGE SOLUTIONS, INC. and JUDI L. WOODS
5 are ordered to desist and refrain from:

6 (i) employing or compensating any person who does not
7 hold a real estate license from soliciting borrowers and/or
8 performing services for borrowers or lenders in connection with
9 loans secured directly or collaterally by one or more liens on
10 real property.

11 3. IT IS HEREBY ORDERED that CHRISTOPHER ANTHONY
12 ZARBO, OMAR SEGURA, FABIOLA TERESA PADILLA, MELISSA MARINA
13 ESCOBAR, DIANA ORTIZ, DAVID JANSSEN, HUMBERTO CUEVAS, MELISSA
14 HUGHBANKS, JOHN H. EVDJUKIAN, BEATRICE LANDAVERDE, JAY M. DAVIS,
15 ANGELINA M. MONTOYA, GENO KIRKLAND, GAIL ROY PUNZALAN, JACKIE
16 GARCIA, RICK RODRIGUEZ, RAMIRO MARTINEZ, SERGIO GOMEZ, ANDRES
17 GONZALEZ, DAVID PEREZ, EDDIE VASQUEZ, WILL RUSH, and JODI
18 GONZALEZ, whether doing business under their own names, or any
19 other names, or any fictitious name, ARE HEREBY ORDERED to
20 immediately desist and refrain from performing any acts within
21 the State of California for which a real estate broker license
22 is required. In particular each of them is ORDERED TO DESIST
23 AND REFRAIN from:

24 (i) charging, demanding, claiming, collecting and/or
25 receiving advance fees, as that term is defined in Section 10026
26 of the Code, in any form, and under any conditions, with respect
27 to the performance of loan modifications or any other form of
mortgage loan forbearance service in connection with loans on

1 residential property containing four or fewer dwelling units
2 (Code Section 10085.6); and

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

7 DATED: 3/12, 2010.

8 JEFF DAVIS
9 Real Estate Commissioner
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14 **Notice:** Business and Professions Code Section 10139 provides
15 that "Any person acting as a real estate broker or real estate
16 salesperson without a license or who advertises using words
17 indicating that he or she is a real estate broker without being
18 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)."

19 cc: Synergy Mortgage Solutions, Inc. dba First Premier Capital Lending
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