

1 DEPARTMENT OF REAL ESTATE
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FILED

AUG - 5 2009

DEPARTMENT OF REAL ESTATE

By K. Cortez

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 TO:)
12)
13 FOCUS CONSULTING SERVICES,) NO. H- 10744 SF
14 DISCOVERY BAY FINANCIAL)
15 GROUP, and,) ORDER TO DESIST AND REFRAIN
16 DENNIS SANTIAGO.) (B&P Code Section 10086)
17)
18)

17 The Commissioner (Commissioner) of the California Department of Real Estate
18 (Department) caused an investigation to be made of the activities of FOCUS CONSULTING
19 SERVICES (FCS), DISCOVERY BAY FINANCIAL GROUP (DBFG), and DENNIS
20 SANTIAGO (SANTIAGO) (collectively referred to as "you"). Based on that investigation,
21 the Commissioner has determined that FCS, DBFG, and SANTIAGO have engaged in, are
22 engaging in, or are attempting to engage in, acts or practices constituting violations of the
23 California Business and Professions Code (Code) and/or Title 10, Chapter 6, California Code
24 of Regulations (Regulations), including the business of, acting in the capacity of, and/or
25 advertising or assuming to act as real estate brokers in the State of California within the meaning
26 of Section 10131(d) (performing services for borrowers in connection with loans secured by real
27 property) of the Code. Additionally, you have violated Sections 10130 (unlicensed activity),

1 CONCLUSIONS OF LAW

2 1. Based on the Findings of Fact contained in Paragraphs 1 through 5, FCS,
3 DBFG and SANTIAGO, acting by themselves, or by and/or through one or more agents,
4 associates, affiliates, and/or co-conspirators, solicited borrowers, to perform services for those
5 borrowers and their lenders in connection with loans secured directly or collaterally by one or
6 more liens on real property, and charged, demanded or collected advance fees for the services to
7 be provided, which acts require a real estate broker license under Sections 10130 (unlicensed
8 activity), 10131(d) (mortgage loans,) and 10131.2 (advance fees) of the Code, during a period of
9 time when FCS, DBFG and SANTIAGO, were not licensed by the Department as real estate
10 brokers.

11 2. Based on the Findings of Fact contained in Paragraphs 1 through 5, FCS,
12 DBFG and SANTIAGO, acting by themselves, or by and/or through one or more agents,
13 associates, affiliates, and/or co-conspirators, known or unknown, solicited borrowers and
14 performed services for those borrowers and/or those borrowers' lenders in connection with loans
15 secured directly or collaterally by one or more liens on real property, and charged, demanded or
16 collected advance fees for the services to be provided, in violation of Sections 10085 (advanced
17 fee agreements), 10085.5 (advance fee payments), 10146 (depositing advanced fees into a trust
18 account), 10176(a) (misrepresentation), (b) (false promises), (c) (continued and flagrant course
19 of misrepresentation and/or making false promises), and (i) (fraud and dishonest dealing by
20 licensee), and 10177(d) (violating the real estate law), (g) (negligence) and/or (j) (fraud and
21 dishonest dealing) of the Code and Sections 2970 (advance fee materials) and 2972 (accounting
22 content).

23 DESIST AND REFRAIN ORDER

24
25 Based on the Findings of Fact and Conclusions of Law stated herein, you, FCS,
26 DBFG and SANTIAGO, whether doing business under your own names, or any other names or
27 fictitious names, ARE HEREBY ORDERED to:

1 1. Immediately desist and refrain from performing any acts within the State of
2 California for which a real estate broker license is required until and unless you have obtained a
3 broker license. And, in particular, you are ordered to desist and refrain from:

4 (i) soliciting borrowers and/or performing services for borrowers or lenders
5 in connection with loans secured directly or collaterally by one or more liens on real property, and,

6 (ii) from charging, demanding, or collecting an advance fee for any of the
7 services you offer to others, unless and until you obtain a real estate broker license issued by the
8 Department, and until you demonstrate and provide evidence satisfactory to the Commissioner
9 that you are in full compliance with all of the requirements of the Code and Regulations relating
10 to charging, collecting, and accounting for advance fees.

11 2. Immediately desist and refrain from collecting advance fees, as that term is
12 defined in Section 10026 of the Code, in any form and particularly with respect to loan
13 modification, loan refinance, principal reduction, foreclosure abatement or short sale services,
14 unless and until you demonstrate and provide evidence satisfactory to the Commissioner that you
15 have:

16 (i) an advance fee agreement which has been submitted to the Department
17 and which is in compliance with Sections 2970 and 2972 of the Regulations;

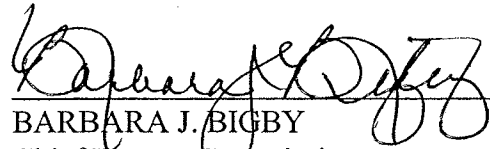
18 (ii) placed all previously collected advance fees into a trust account for that
19 purpose and are in compliance with Section 10146 of the Code; and.

20 (iii) provided an accounting to trust fund owner-beneficiaries pursuant to
21 Section 2972 of the Regulations.

22 DATED: 8/4, 2009

23 JEFF DAVI
24 Real Estate Commissioner

25 By

26 
27 BARBARA J. BIGBY
 Chief Deputy Commissioner

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2 - NOTICE -

3 Business and Professions Code Section 10139 provides that "Any person acting as
4 a real estate broker or real estate salesperson without a license or who advertises using words
5 indicating that he or she is a real estate broker without being so licensed shall be guilty of a
6 public offense punishable by a fine not exceeding twenty thousand dollars (\$20,000), or by
7 imprisonment in the county jail for a term not to exceed six months, or by both fine and
8 imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars
9 (\$60,000)....."

10 cc: DENNIS SANTIAGO
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12 DISCOVERY BAY FINANCIAL GROUP
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