

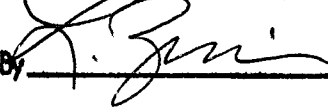
1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 187007
3 Sacramento, CA 95818-7007.

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FILED

JAN 19 2011

DEPARTMENT OF REAL ESTATE

By 

8 BEFORE THE
9 DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

12 TO:

13 THERESE C. MASSON, and)
14 SHUNDOR & ASSOCIATES, INC.,)
15 a Corporation.)

NO. H-11054 SF

ORDER TO
DESIST AND REFRAIN
(B&P Code Section 10086)

17 The Real Estate Commissioner (Commissioner) of the California Department of
18 Real Estate (Department) caused an investigation to be made of the activities of THERESE C.
19 MASSON (MASSON) and SHUNDOR & ASSOCIATES, INC. (SHUNDOR). Based on the
20 investigation, the Commissioner has determined that MASSON and SHUNDOR have engaged
21 in, are engaging in, or are attempting to engage in, acts or practices constituting violations of the
22 California Business and Professions Code (Code) and/or Title 10, Chapter 6, California Code of
23 Regulations (Regulations), including the business of, acting in the capacity of, and/or advertising
24 or assuming to act as, a real estate broker in the State of California within the meaning of
25 Sections 10131(d) (performing services for borrowers in connection with loans secured by real
26 property), 10085 (advanced fee materials), and 10085.5 (claiming/collecting/receiving advanced
27 fees) of the Code. Furthermore, based on the investigation, the Commissioner hereby issues the

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

3 Whenever acts referred to below are attributed to MASSON and/or SHUNDOR,
4 those acts are alleged to have been done by MASSON, acting by herself, or by and/or through
5 one or more agents, associates, affiliates, and/or co-conspirators, and using the name SHUNDOR
6 & ASSOCIATES, INC., or other names or fictitious names unknown at this time.

7 FINDINGS OF FACT

8 1. At no time herein mentioned has MASSON been licensed by the
9 Department in any capacity.

10 2. At no time herein mentioned has SHUNDOR been licensed by the
11 Department in any capacity.

12 3. Between about May 2009 and June 2009, MASSON and SHUNDOR
13 solicited, through personal visits and electronic mail contact, borrower Gail P. (Gail) to
14 negotiate and/or perform one or more of the following acts for another or others, for or in
15 expectation of compensation: negotiate one or more loans for, or perform services for
16 borrowers and/or lenders in connection with loans secured directly or collaterally by one or
17 more liens on real property.

18 4. Between about May 2008 and June 2009, MASSON and SHUNDOR
19 claimed, received, and/or collected advanced fees in the amount of \$1,500 from Gail, without
20 having first submitted advanced fee materials to the Commissioner.

21 CONCLUSIONS OF LAW

22 5. Based on the Findings of Fact contained in Paragraphs 1 through 4, above,
23 MASSON, acting by herself, or by and/or through one or more agents, associates, affiliates,
24 and/or co-conspirators and using the name SHUNDOR & ASSOCIATES, INC., or other names
25 or fictitious names unknown at this time, performed services for those borrowers and/or those
26 borrowers' lenders in connection with loans secured directly or collaterally by one or more liens
27 on real property, which requires a real estate license under Sections 10130 and 10131(d) of the

1 Code, during a period of time when MASSON was not licensed by the Department in any
2 capacity.

3 6. Based on the Findings of Fact contained in Paragraphs 1 through 4, above,
4 MASSON, acting by herself, or by and/or through one or more agents, associates, affiliates,
5 and/or co-conspirators and using the name SHUNDOR & ASSOCIATES, INC., or other names
6 or fictitious names unknown at this time, charged, received and/or collected, or contracted for
7 advanced fees, in violation of Sections 10085 and 10085.5 of the Code.

8 DESIST AND REFRAIN ORDER

9 Based on the Findings of Fact and Conclusions of Law stated herein, SHUNDOR &
10 ASSOCIATES, INC., and THERESE C. MASSON whether doing business under your own
11 name, or any other name or fictitious name, ARE HEREBY ORDERED to:

12 1. Immediately desist and refrain from performing any acts within the State of
13 California for which a real estate broker license is required. In particular, you are ordered to
14 desist and refrain from soliciting borrowers and/or performing services for borrowers or lenders
15 in connection with loans secured directly or collaterally by one or more liens on real property,
16 unless and until you obtain a real estate broker license issued by the Department.

17 2. Immediately desist and refrain from charging, demanding, claiming, collecting
18 and/or receiving advance fees, as that term is defined in Section 10026 of the Code, for any of the
19 services you offer to others, unless and until you demonstrate and provide evidence satisfactory
20 to the Commissioner that you are properly licensed by the Department as a real estate broker, and
21 that SHUNDOR & ASSOCIATES, INC., and THERESE C. MASSON:

22 (A) Have an advance fee agreement which has been submitted to the
23 Department and which is in compliance with Sections 2970 and 2972 of the Regulations;

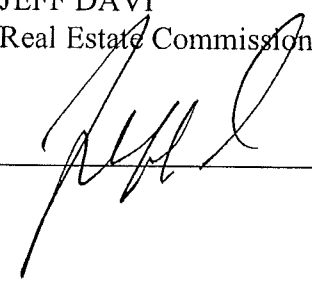
24 (B) Have placed all previously collected advance fees into a trust account for
25 that purpose and are in compliance with Section 10146 of the Code;

26 (C) Have provided an accounting to trust fund owner-beneficiaries pursuant to
27 Section 2972 of the Regulations; and

1 (D) Are in compliance with California law, as amended effective as of October
2 11, 2009, with respect to loan modification and/or forbearance services. Under the amended law,
3 you can only collect advance fees for loan modification or other mortgage loan forbearance
4 services related to commercial loans and loans for residential properties containing five or more
5 dwelling units.

6
7 DATED: 1-11, 2011

8 JEFF DAVI
9 Real Estate Commissioner

10 By 

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12
13 **Notice:**

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

20 cc: THERESE C. MASSON
21 207 37th Street, #116
22 Richmond, CA 94805

23 cc: THERESE C. MASSON
24 dba SHUNDOR & ASSOCIATES, INC.
25 4284 Maybelle Avenue
26 Oakland, CA 94619
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ATTY DEK/kc