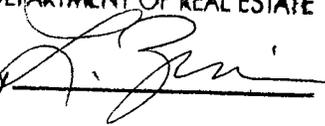


1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 187000
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FILED

OCT - 6 2010

DEPARTMENT OF REAL ESTATE

By 

9 STATE OF CALIFORNIA

10 DEPARTMENT OF REAL ESTATE

11 To:)
12) NO. H-2537 FRESNO
13 EMERGE FINANCIAL ADVISORS,)
14 ROBERT ORNELAS) ORDER TO DESIST AND REFRAIN
and PATRICIA CRUZ) (B&P Code Section 10086)

15 The Commissioner (hereinafter "Commissioner") of the California Department
16 of Real Estate (hereinafter "Department") caused an investigation to be made of the activities of
17 EMERGE FINANCIAL ADVISORS (hereinafter "EFA"), ROBERT ORNELAS (hereinafter
18 "ORNELAS"), and PATRICIA CRUZ (hereinafter "CRUZ"). Based on that investigation, the
19 Commissioner has determined that EFA, ORNELAS, and CRUZ have engaged in, is engaging
20 in, or is attempting to engage in, acts or practices constituting violations of the California
21 Business and Professions Code (hereinafter "the Code") and/or Title 10, Chapter 6, California
22 Code of Regulations (hereinafter "the Regulations"), including the business of, acting in the
23 capacity of, and/or advertising or assuming to act as, a real estate broker in the State of
24 California within the meaning of Sections 10131(d) (performing services for borrowers and/or
25 lenders in connection with loans secured by real property) and 10131.2 (real estate broker
26 license required to charge and collect an advance fee) of the Code. Furthermore, based on the

27 ///

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

3 FINDINGS OF FACT

4 1. At no time mentioned has EFA been licensed by the Department in any
5 capacity.

6 2. At no time mentioned has ORNELAS been licensed by the Department
7 in any capacity.

8 3. At no time mentioned has CRUZ been licensed by the Department in any
9 capacity.

10 4. During the period of time set forth below, EFA, ORNELAS, and CRUZ,
11 solicited borrowers and negotiated to do one or more of the following acts for another or others,
12 for or in expectation of compensation; negotiate one or more loans for, or perform services for,
13 borrowers and/or lenders in connection with loans secured directly or collaterally by one or more
14 liens on real property; and charge, demand or collect an advance fee for any of the services
15 offered.

16 5. In or about January, 2010, EFA employed ORNELAS and CRUZ to obtain
17 clients for EFA's loan modification and negotiation services.

18 6. Beginning January 8, 2010, CRUZ and ORNELAS, as representatives of
19 EFA, solicited Juan C. (hereinafter "Juan") in order to provide a loan modification and
20 negotiation services on behalf of Juan in connection with a loan secured by real property located
21 in the city of Salinas, California.

22 7. On or about January 8, 2010, CRUZ and ORNELAS, as a representative of
23 EFA, demanded and received an advance fee of \$1,666 from Juan for the activities described in
24 Paragraph 6.

25 CONCLUSIONS OF LAW

26 8. Based on the findings of fact contained in paragraphs 1 through 7, EFA,
27 ORNELAS, and CRUZ, solicited one or more borrowers to perform services for those

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

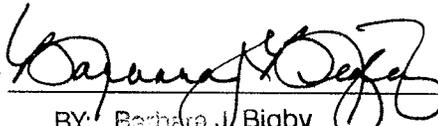
3 (C) Have provided an accounting to trust fund owner-beneficiaries
4 pursuant to Section 2972 of the Regulations; and

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

10 3. Immediately desist and refrain from demanding, claiming, collecting and/or
11 receiving advance fees, as that term is defined in Section 10026 of the Code, in any form, and
12 under any conditions, with respect to the performance of loan modification or any other form of
13 mortgage loan forbearance services in connection with loans on residential property containing
14 four or fewer dwelling units.

15 DATED: 10/4/2010

16 JEFF DAVI
17 Real Estate Commissioner

18
19 By 
20 BY: Barbara J. Bigby
21 Chief Deputy Commissioner

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