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DEPARTMENT OF REAL ESTATE

By R. Henry

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

11 * * *

12 TO:)	
)	
13 MARTIN NUNEZ, and)	NO. H- 2547 FR
14 PRIME EQUITY SOLUTIONS INC.,)	
15 a Corporation.)	<u>ORDER TO</u>
)	<u>DESIST AND REFRAIN</u>
)	(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 MARTIN
19 NUNEZ (NUNEZ) and PRIME EQUITY SOLUTIONS INC. (PESI). Based on the
20 investigation, the Commissioner has determined that NUNEZ and PESI have engaged in, are
21 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 NUNEZ and/or PESI, those acts
4 are alleged to have been done by NUNEZ, acting by himself, or by and/or through one or more
5 agents, associates, affiliates, and/or co-conspirators, and using the name PRIME EQUITY
6 SOLUTIONS INC., or other names or fictitious names unknown at this time.

7 FINDINGS OF FACT

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

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

12 3. From about July 2008 through February 2009, NUNEZ solicited, through
13 print advertisements, borrowers to negotiate and/or perform one or more of the following acts
14 for another or others, for or in expectation of compensation: negotiate one or more loans for,
15 or perform services for borrowers and/or lenders in connection with loans secured directly or
16 collaterally by one or more liens on real property.

17 4. During August 2008, NUNEZ solicited, through print advertisements and/or
18 in person, borrower Maria M. (Maria) to negotiate and/or perform one or more of the following
19 acts for another or others, for or in expectation of compensation: negotiate one or more loans
20 for, or perform services for borrowers and/or lenders in connection with loans secured directly
21 or collaterally by one or more liens on real property.

22 5. During August 2008, NUNEZ claimed, received, and/or collected advanced
23 fees in the amount of \$3,000.00 from Maria, without having first submitted advanced fee
24 materials to the Commissioner.

25 CONCLUSIONS OF LAW

26 6. Based on the Findings of Fact contained in Paragraphs 1 through 5, above,
27 NUNEZ, acting by himself, or by and/or through one or more agents, associates, affiliates,

1 and/or co-conspirators and using the name PRIME EQUITY SOLUTIONS INC., or other
2 names or fictitious names unknown at this time, performed services for those borrowers and/or
3 those borrowers' lenders in connection with loans secured directly or collaterally by one or
4 more liens on real property, which requires a real estate license under Sections 10130 and
5 10131(d) of the Code, during a period of time when NUNEZ was not licensed by the
6 Department in any capacity.

7 7. Based on the Findings of Fact contained in Paragraphs 1 through 5, above,
8 NUNEZ, acting by himself, or by and/or through one or more agents, associates, affiliates,
9 and/or co-conspirators and using the name PRIME EQUITY SOLUTIONS INC., or other
10 names or fictitious names unknown at this time, charged, received and/or collected, or
11 contracted for advanced fees, in violation of Sections 10085 and 10085.5 of the Code.

12 DESIST AND REFRAIN ORDER

13 Based on the Findings of Fact and Conclusions of Law stated herein, PRIME
14 EQUITY SOLUTIONS INC., and MARTIN NUNEZ whether doing business under your own
15 name, or any other name or fictitious name, ARE HEREBY ORDERED to:

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

21 2. Immediately desist and refrain from charging, demanding, claiming, collecting
22 and/or receiving advance fees, as that term is defined in Section 10026 of the Code, for any of the
23 services you offer to others, unless and until you demonstrate and provide evidence satisfactory
24 to the Commissioner that you are properly licensed by the Department as a real estate broker, and
25 that PRIME EQUITY SOLUTIONS INC., and MARTIN NUNEZ:

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


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

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

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

10
11 DATED: 11/1, 2010

12 JEFF DAVI
13 Real Estate Commissioner

14 By 
15 BY: Barbara J. Bigly
16 Chief Deputy Commissioner

17 **Notice:**

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

24 cc: MARTIN NUNEZ
25 3855 N. West Avenue, Suite 104
26 Fresno, CA 93705

27 cc: PRIME EQUITY SOLUTIONS INC.
3855 N. West Avenue, Suite 104
Fresno, CA 93705

TTY DEK/rh