

1 DEPARTMENT OF REAL ESTATE  
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FILED

AUG 12 2011

DEPARTMENT OF REAL ESTATE

By K. Contreras

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 TO: )  
12 CONTINENTAL SOLUTIONS )  
13 CORPORATION, a Corporation, )  
14 CESAR MARTINEZ, )  
15 BLUE PACIFIC FINANCIAL )  
16 SERVICES, INC., a Corporation, )  
17 JUAN DAVID MARTINEZ, )  
JULIO C. ANDRADE, )  
OSWALDO MARTINEZ, and )  
CARLOS A. BULLA. )

NO. H-2657 FR

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

18 The Commissioner (Commissioner) of the California Department of Real Estate  
19 (Department) caused an investigation to be made of the activities of CONTINENTAL  
20 SOLUTIONS CORPORATION (CSC), CESAR MARTINEZ (C. MARTINEZ), BLUE  
21 PACIFIC FINANCIAL SERVICES, INC. (BPFSI), JUAN DAVID MARTINEZ  
22 (J. MARTINEZ), JULIO C. ANDRADE aka JULIO GARCIA (ANDRADE), OSWALDO  
23 MARTINEZ (O. MARTINEZ), and CARLOS A. BULLA aka OSCAR BULLA (BULLA),  
24 (collectively referred to as "you") have engaged in, are engaging in, or are attempting to engage  
25 in, acts or practices constituting violations of the California Business and Professions Code  
26 (Code) and/or Title 10, Chapter 6, California Code of Regulations (Regulations), including the  
27 business of, acting in the capacity of, and/or advertising or assuming to act as, real estate brokers

1 in the State of California within the meaning of Section 10131(d) (performing services for  
2 borrowers in connection with loans secured by real property) of the Code. Additionally, you  
3 have violated Sections 10130 (unlicensed activity), 10085 (advanced fee agreements), 10085.5  
4 (advance fee payments), 10085.6 (advance fee payments) 10146 (depositing advanced fees into a  
5 trust account), 10176(a) (misrepresentation), (b) (false promises), (c) (continued and flagrant  
6 course of misrepresentation and/or making false promises), and (i) (fraud and dishonest dealing  
7 by licensee), and 10177(d) (violating the real estate law), (g) (negligence) and/or (j) (fraud and  
8 dishonest dealing) of the Code and Sections 2970 (advance fee materials) and 2972 (accounting  
9 content) of the California Code of Regulations (Regulations). Furthermore, based on the  
10 investigation, the Commissioner hereby issues the following Findings of Fact, Conclusions of  
11 Law, and Desist and Refrain Order under the authority of Section 10086 of the Code.

12 Whenever acts referred to below are attributed to CSC, C. MARTINEZ, BPFISI,  
13 J. MARTINEZ, ANDRADE, O. MARTINEZ, and BULLA, those acts are alleged to have been  
14 done by CSC, C. MARTINEZ, BPFISI, J. MARTINEZ, ANDRADE, O. MARTINEZ, and  
15 BULLA, acting by themselves, or by and/or through one or more agents, associates, affiliates,  
16 and/or co-conspirators, known or unknown.

#### 17 FINDINGS OF FACT

18 1. CSC has been licensed by the Department as a corporate real estate broker  
19 since March 24, 2007; said license will expire March 23, 2011.

20 2. CSC made application to the Department for a mortgage loan originator  
21 license endorsement (herein "license endorsement") on about May 24, 2011.

22 3. C. MARTINEZ has been licensed by the Department as a real estate broker  
23 since February 23, 2007; said license expired February 22, 2011.

24 4. C. MARTINEZ made application to the Department for a mortgage loan  
25 originator license endorsement on about April 4, 2011.

26 5. BPFISI, J. MARTINEZ, ANDRADE, O. MARTINEZ, and BULLA, are not  
27 now, and have never been, licensed by the Department in any capacity.

1                   6. During the period of time set out below, CSC, C. MARTINEZ, BPFISI,  
2 J. MARTINEZ, ANDRADE, O. MARTINEZ, and BULLA, solicited borrowers and negotiated  
3 to do one or more of the following acts for said borrowers, for or in expectation of compensation:  
4 negotiated one or more loans for, or performed services for, borrowers and/or lenders in  
5 connection with loans secured directly or collaterally by one or more liens on real property; and  
6 charged, demanded or collected an advance fee for any of the services offered.

7                   7. Between about January 1, 2009 and June 1, 2010, CSC, C. MARTINEZ,  
8 BPFISI, J. MARTINEZ, ANDRADE, O. MARTINEZ, and BULLA, claimed, demanded,  
9 charged, received, collected or contracted for advance fees from the following borrowers prior  
10 to submission to the Department of any or all materials used in advanced fee agreements or  
11 performed services for the following borrowers in connection with loans secured with real  
12 property before the borrowers became obligated to complete said loans, and failed to deposit said  
13 advance fees into a trust account with a bank or other recognized depository, in violation of  
14 Sections 10085, 10085.5, 10085.6, 10146, and 10177(d) of the Code, and Sections 2970 and  
15 2972 of the Regulations:

<u>Borrower</u>	<u>Property Address</u>	<u>Advance Fee</u>	<u>Date</u>
Arturo C.	E. 10 <sup>th</sup> St	\$1,500	1/26/09
Trinidad D.	E. Ave 510	\$1,995	1/24/09
Maria G.	Cannon Ave.	\$2,500	2/3/09
Veronica G.	Dianna Rd.	\$2,500	2/9/09
J. Santos G.	E. Pine Ave.	\$1,500	2/12/09
Olivia G.	Hallwood Dr.	\$1,995	2/13/09
Maria T. G.	E. Gettysburg Ave.	\$2,500	2/27/09
Oscar M.	S. Laspina St.	\$2,500	3/18/09
Juana Z.	Hawaii Pl.	\$1,000	9/26/09
Simona G. J.	Charolais Dr.	\$ 500	6/2010

16                   Santos G Transaction

17                   8. On about February 12, 2009, ANDRADE, on behalf of CSC dba BPFISI,  
18 solicited J. Santos G. (J. Santos) in order to provide loan modification services to save J. Santos'  
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1 home located on E. Pine Ave., from being lost in foreclosure, in violation of Sections 10130 and  
2 10131(d) of the Code.

3 9. In furtherance of CSC's plan and scheme to provide loan modification  
4 services to J. Santos, ANDRADE represented to J. Santos that he, ANDRADE, would obtain  
5 an affordable loan modification and demanded and collected an advance fee in the amount of  
6 \$1,500.00 from J. Santos, but failed to provide a successful and/or sustainable loan modification  
7 to J. Santos, in violation of Sections 10176(a), (b), (c), and (i), and/or 10177(d), (g) and/or  
8 10177(j) and Section 2970 of the Regulations.

9 Juana Z. transaction

10 10. On about September 26, 2009, O. MARTINEZ, on behalf of CSC dba  
11 BPFISI, solicited Juana Z. (Juana) in order to provide loan modification services to save Juana's  
12 home located on Hawaii Pl., from being lost in foreclosure, in violation of Sections 10130 and  
13 10131(d) of the Code.

14 11. In furtherance of CSC's plan and scheme to provide loan modification  
15 services to Juana, O. MARTINEZ represented to Juana that he, O. MARTINEZ, would obtain  
16 an affordable loan modification and demanded and collected an advance fee of \$1,000.00 from  
17 Juana, but failed to provide a successful and/or sustainable loan modification to Juana, in  
18 violation of Sections 10176(a), (b), (c), and (i), and/or 10177(d), (g) and/or 10177(j) and  
19 Section 2970 of the Regulations.

20 ANDRADE's solicitation to Department employee.

21 12. On about October 21, 2009, ANDRADE, on behalf of CSC dba BPFISI,  
22 solicited Department employee, R. E., to engage CSC and its agents to represent R. E. in  
23 negotiating with his lender in order to modify one or more loans secured by real property,  
24 representing to R. E. that an advance fee of \$2,500.00 would be charged for services  
25 C. MARTINEZ was to perform in obtaining the loan modification, in violation of Sections 10130  
26 and 10131(d) of the Code.

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1                   Simona G. J. transaction

2                   13. In about June 2010, BULLA, on behalf of CSC dba BPFISI, solicited Simona  
3 G. J. (Simona) in order to provide loan modification services to save Simona's home located on  
4 Charolais Dr., from being lost in foreclosure, in violation of Sections 10130 and 10131(d) of the  
5 Code.

6                   14. In furtherance of CSC's plan and scheme to provide loan modification  
7 services to Simona, BULLA represented to Simona that he, BULLA, would obtain an affordable  
8 loan modification and demanded and collected an advance fee of \$500.00 from Simona, but  
9 failed to provide a successful and/or sustainable loan modification to Simona, in violation of  
10 Sections 10176(a), (b), (c), and (i), and/or 10177(d), (g) and/or 10177(j) and Section 2970 of the  
11 Regulations.

12   CONCLUSIONS OF LAW

13                   1. Based on the Findings of Fact contained in Paragraphs 1 through 14, BPFISI,  
14 J. MARTINEZ, ANDRADE, O. MARTINEZ, and BULLA, acting by themselves, or by and/or  
15 through one or more agents, associates, affiliates, and/or co-conspirators, solicited borrowers  
16 and the Department's own employee, to perform services for those borrowers and said employee  
17 and their lenders in connection with loans secured directly or collaterally by one or more liens on  
18 real property, and charged, demanded or collected advance fees for the services to be provided,  
19 which acts require a real estate broker license under Sections 10130, 10131(d), and 10131.2  
20 (advance fees) of the Code, during a period of time when BPFISI, J. MARTINEZ, ANDRADE,  
21 O. MARTINEZ, and BULLA, were not licensed by the Department in any capacity.

22                   2. Based on the Findings of Fact contained in Paragraphs 1 through 14, CSC,  
23 C. MARTINEZ, BPFISI, J. MARTINEZ, ANDRADE, O. MARTINEZ, and BULLA, acting  
24 by themselves, or by and/or through one or more agents, associates, affiliates, and/or co-  
25 conspirators, known or unknown, solicited borrowers and performed services for those borrowers  
26 and/or those borrowers' lenders in connection with loans secured directly or collaterally by one or  
27 more liens on real property, and charged, demanded or collected advance fees for the services to

1 be provided, in violation of Sections 10085, 10085.5, 10085.6, 10146, 10176(a), (b), (c), and (i),  
2 and 10177(d), (g) and/or (j) of the Code, and Sections 2970 and 2972 of the Regulations.

3 DESIST AND REFRAIN ORDER

4 Based on the Findings of Fact and Conclusions of Law stated herein, you, BLUE  
5 PACIFIC FINANCIAL SERVICES, INC., JUAN DAVID MARTINEZ, JULIO C. ANDRADE,  
6 OSWALDO MARTINEZ, and CARLOS A. BULLA, whether doing business under your own  
7 names, or any other names or fictitious names, ARE HEREBY ORDERED to:

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

- 11 (i) charging, demanding, claiming, collecting and/or receiving advance fees, as  
12 that term is defined in Section 10026 of the Code, in any form, and under  
13 any conditions, with respect to the performance of loan modifications or  
14 any other form of mortgage loan forbearance service in connection with  
15 loans on residential property containing four or fewer dwelling units (Code  
16 Section 10085.6); and,  
17 (ii) charging, demanding, claiming, collecting and/or receiving advance fees, as  
18 that term is defined in Section 10026 of the Code, for any other real estate  
19 related services offered by them to others.

20 Based upon the Findings of Fact and Conclusions of Law stated herein, it is hereby  
21 ordered that CONTINENTAL SOLUTIONS CORPORATION and CESAR MARTINEZ whether  
22 doing business under their own names, or any other names, or any fictitious names, ARE HEREBY  
23 ORDERED IMMEDIATELY DESIST AND REFRAIN from:

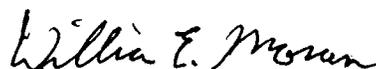
- 24 1. charging, demanding, claiming, collecting and/or receiving advance fees, as that  
25 term is defined in Section 10026 of the Code, in any form, and under any  
26 conditions, with respect to the performance of loan modifications or any other  
27 form of mortgage loan forbearance service in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

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

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

6  
7 DATED: August 11, \_\_\_\_\_, 2011

8 BARBARA BIGBY  
9 Acting Real Estate Commissioner

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12 By WILLIAM E. MORAN  
13 Assistant Commissioner, Enforcement

14 -NOTICE-

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

22 cc: CONTINENTAL SOLUTIONS CORPORATION  
23 CESAR MARTINEZ  
24 BLUE PACIFIC FINANCIAL SERVICES, INC.  
25 JUAN DAVID MARTINEZ  
26 16900 Lakewood Blvd., Suite 211  
27 Bellflower, CA 90706  
  
28 BLUE PACIFIC FINANCIAL SERVICES, INC.  
29 Attn: Julio C. Andrade, Agent for Service of Process  
30 JULIO C. ANDRADE aka JULIO GARCIA  
31 5196 Benito St., Suite 14  
32 Montclair, CA 91763  
  
33 OSWALDO MARTINEZ  
34 CARLOS A. BULLA aka OSCAR BULLA  
35 1283 N. Main St., Suite 105  
36 Salinas, CA 93926