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1 Department of Real Estate
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FEB - 3 2011

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DEPARTMENT OF REAL ESTATE

BY: Jane B. Olson

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * *

11 To:)	No. H-37059 LA
)	
12 COLORADO CAPITAL)	<u>ORDER TO DESIST</u>
13 INVESTMENT GROUP and)	<u>AND REFRAIN</u>
14 MORTGAGE MODIFICATION)	
15 LEGAL NETWORK)	(B&P Code Section 10086)

16 The Commissioner ("Commissioner") of the California Department of Real Estate
17 ("Department") caused an investigation to be made of the activities of COLORADO CAPITAL
18 INVESTMENT GROUP ("CCIG") and MORTGAGE MODIFICATION LEGAL NETWORK
19 ("MMLN"). Based on that investigation the Commissioner has determined that CCIG and
20 MMLAN have engaged in, or are engaging in, acts, or are attempting to engage in the business
21 of, acting in the capacity of, and/or advertising or assuming to act as real estate brokers in the
22 State of California within the meaning of Business and Professions Code Sections 10131(d)
23 (negotiating loans or performing services for borrowers in connection with loans secured by real
24 property) and 10131.2 (advance fee handling).

25 In addition, based on that investigation, the Commissioner has determined that
26 CCIG and MMLN have engaged in, or are engaging in, acts, or are attempting to engage in
27 practices constituting violations of the California Business and Professions Code ("Code")

1 and/or Title 10, California Code of Regulations (“Regulations”). Based on the findings of that
2 investigation, set forth below, the Commissioner hereby issues the following Findings of Fact,
3 Conclusions of Law, and Desist and Refrain Order under the authority of Section 10086 of the
4 Code.

5 FINDINGS OF FACT

6 1. CCIG is not now, nor has it ever been, licensed by the Department in any
7 capacity.

8 2. MMLN has been licensed by the Department as a corporate real estate
9 broker since December 24, 2008.

10 3. At the times set forth below, CCIG and MMLN negotiated to do one or
11 more of the following acts for another or others, for or in expectation of compensation: engaged
12 in the business of, acted in the capacity of, or advertised a loan modification and negotiation
13 service and advance fee brokerage with respect to loans which were secured by liens on real
14 property for compensation or in expectation of compensation and for fees collected in advance of
15 the transaction.

16 Clara G. Transaction

17 4. On or about March 4, 2009, Clara G. entered into a loan modification
18 agreement with MMLN, in association with CCIG. This agreement arranged for Clara G.’s
19 payment of \$2,999 in advance fees. On March 4, 2009, Clara G. also signed a payment form
20 which authorized CCIG to charge her credit card \$3,000 in advance fees.

21 Kiana M. Transaction

22 5. On or about March 6, 2009, Kiana M. entered into a loan modification
23 agreement with MMLN, in association with CCIG, regarding Kiana M.’s home loan, which
24 arranged for Kiana M.’s payment of \$3,000 in advance fees. On March 6, 2009, Kiana M. also
25 signed a payment form which authorized CCIG to charge her credit card \$1,500 in advance fees.

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1 Peter and Charlene G. Transaction

2 6. On or about April 6, 2009, Peter and Charlene G., entered into a loan
3 modification agreement with MMLN, in association with CCIG, regarding Peter and Charlene
4 G.'s home loan. This agreement arranged for Peter and Charlene G. to pay \$3,500 in advance
5 fees. On April 6, 2009, Peter and Charlene G. also signed a payment form authorizing CCIG to
6 charge their credit card \$3,500 in advance fees.

7 Sean S. Transaction

8 7. On or about March 23, 2009, Sean S., entered into a loan modification
9 agreement with MMLN, in association with CCIG, regarding Sean S.'s home loan. On March
10 6, 2009, Sean S. signed a payment form authorizing CCIG to charge his credit card \$2,499 in
11 advance fees.

12 Mitchell and Heather L. Transaction

13 8. On or about January 20, 2009, Mitchell and Heather L., entered into a
14 loan modification agreement with MMLN, in association with CCIG, regarding their home loan.
15 This agreement arranged for Mitchell and Heather L. to pay \$3,499 in advance fees. On January
16 20, 2009, Mitchell and Heather L. also signed a payment form which authorized CCIG to charge
17 their credit card \$3,499 in advance fees.

18 Ebony H. Transaction

19 9. On or about March 16, 2009, Ebony H. entered into a loan modification
20 agreement with MMLN, in association with CCIG, regarding Ebony H.'s home loan. This
21 agreement arranged for Ebony H. to pay \$2,499 in advance fees. On March 16, 2009, Ebony H.
22 also signed a payment form authorizing CCIG to charge her credit card \$2,499 in advance fees.

23 George and Adina E. Transaction

24 10. On or about February 18, 2009, George and Adina E. entered into a loan
25 modification agreement with MMLN, in association with CCIG, regarding their home loan. This
26 agreement arranged for George and Adina E. to pay \$2,499 in advance fees. On February 20,
27

1 2009, George and Adina E. also signed a payment form authorizing CCIG to charge their credit
2 card \$2,500 in advance fees.

3 Antonio G. Transaction

4 11. On or about February 2, 2009, Antonio G. entered into a loan modification
5 agreement with MMLN, in association with CCIG, regarding Antonio G.'s home loan. This
6 agreement arranged for Antonio G. to pay \$2,999 in advance fees. On February 2, 2009,
7 Antonio G. also issued a \$1,499.50 check to CCIG as the first deposit on his loan modification.

8 Anthony & Linda C. Transaction

9 12. On or about January 15, 2009, Anthony and Linda C. entered into a loan
10 modification agreement with MMLN, in association with CCIG, regarding Anthony and Linda
11 C.s' home loan. This agreement arranged for Anthony and Linda C. to pay \$3,499 in advance
12 fees. On January 15, 2009, Anthony and Linda C. also signed a payment form which authorized
13 CCIG to charge their credit card \$1,500 in advance fees.

14 Terry M. Transaction

15 13. On or about February 19, 2009, Terry M. entered into a loan modification
16 agreement with MMLN, in association with CCIG, regarding Terry M.'s home loan. This
17 agreement arranged for Terry M. to pay \$2,500 in advance fees. On February 19, 2009, Terry
18 M. signed a payment form authorizing CCIG to charge his credit card \$2,500 in advance fees.

19 Advance Fee Agreements

20 14. The agreements made by MMLN, as described in Paragraphs 4 through 13
21 above, constitute advance fee agreements within the meaning of Code Section 10026. On May 5,
22 2009, MMLN submitted an advance fee agreement for review by the commissioner. However,
23 the advance fee agreements described in paragraphs 4 through 13 predated the agreement
24 submitted to the commissioner. These advance fee agreements also contained different language
25 than the agreement subsequently submitted to the commissioner.

26 CONCLUSIONS OF LAW

27 15. Based on the information contained in Paragraphs 1 through 13 above,

1 CCIG violated Code Section 10130 by engaging in activities requiring a broker license without
2 first obtaining a broker license from the Department.

3 16. Based on the information contained in Paragraphs 4 through 13 above,
4 MMLN failed to submit advance fee agreements to the Commissioner ten days before using
5 them, in violation of Code Section 10085 and Regulation 2970.

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7 DESIST AND REFRAIN ORDER

8 Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW stated
9 herein, it is hereby ordered that:

10 COLORADO CAPITAL INVESTMENT GROUP, immediately desist and refrain
11 from: performing any acts within the State of California for which a real estate broker license is
12 required, unless COLORADO CAPITAL INVESTMENT GROUP is so licensed.

13 IT IS FURTHER ORDERED THAT COLORADO CAPITAL INVESTMENT
14 GROUP and MORTGAGE MODIFICATION LEGAL NETWORK immediately desist and
15 refrain from:

- 16 1. Charging, demanding, claiming, collecting and/or receiving advance fees, as
17 that term is defined in Section 10026 of the Code, in any form, and under any
18 conditions, with respect to the performance of loan modification or any other
19 form of mortgage loan forbearance services in connection with loans on
20 residential property containing four or fewer dwelling units.
- 21 2. Charging, demanding, claiming, collecting and/or receiving advance fees, as
22 that term is defined in Section 10026 of the Code, for any of the other real
23 estate related services offered to others, unless and until they demonstrate and
24 provides evidence satisfactory to the Commissioner that they:
- 25 (a) have an advance fee agreement which has been submitted to the Department
26 and which is in compliance with Section 10085 of the Code and Section 2970
27 of the Regulations;

- 1 (b) have placed all previously collected advance fees into a trust account for that
2 purpose and is in compliance with Section 10146 of the Code; and
3 (c) have provided an accounting to trust fund owner-beneficiaries from whom
4 advance fees have previously been collected in compliance with Section
5 10146 of the Code and Section 2972 of the Regulations.

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7 DATED: 1-20-2011

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9 JEFF DAVIS
Real Estate Commissioner

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13 **Notice:** Business and Professions Code Section 10139 provides that "Any person acting as a
14 real estate broker or real estate salesperson without a license or who advertises using words
15 indicating that he or she is a real estate broker without being so licensed shall be guilty of a
16 public offense punishable by a fine not exceeding twenty thousand dollars (\$20,000), or by
17 imprisonment in the county jail for a term not to exceed six months, or by both fine and
18 imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars
19 (\$60,000)."
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24 cc: COLORADO CAPITAL INVESTMENT GROUP
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26 Denver, CO 80206

27 MORTGAGE LOAN MODIFICATION NETWORK
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