

FILED

MAY 24 2012

1 Department of Real Estate
2 320 West 4th Street, Suite 350
3 Los Angeles, California 90013-1105

DEPARTMENT OF REAL ESTATE
BY: *Suzanne Valencia*

4 Telephone: (213) 576-6982
5
6
7

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * *

11 To:)	No. H-38164 LA
)	
12 THOMAS ROJAS)	<u>ORDER TO DESIST</u>
)	<u>AND REFRAIN</u>
)	
)	(B&P Code Section 10086)
15 _____)	

16 The Commissioner ("Commissioner") of the California Department of Real Estate
17 ("Department") caused an investigation to be made of the activities of THOMAS ROJAS
18 ("ROJAS"). Based on that investigation the Commissioner has determined that ROJAS has
19 engaged in, or is engaging in, acts, or is attempting to engage in the business of, acting in the
20 capacity of, and/or advertising or assuming to act as a real estate broker in the State of California
21 within the meaning of Business and Professions Code Sections 10131(d) (soliciting or collecting
22 payments from borrowers in connection with loans secured by real property) and 10131.2
23 (advance fee handling).

24 In addition, based on that investigation, the Commissioner has determined that
25 ROJAS has engaged in, or is engaging in, acts, or is attempting to engage in practices
26 constituting violations of the California Business and Professions Code ("Code"). Based on the
27 findings of that investigation, set forth below, the Commissioner hereby issues the following

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

3 FINDINGS OF FACT

4 1. ROJAS is not now, nor has he ever been, licensed by the Department in
5 any capacity.

6 2. On or about October 22, 2009, ROJAS filed a fictitious business name
7 statement with the Auditor/Controller-Recorder for the County of San Bernardino, naming
8 ROJAS as the registrant for United Escrow and Trustee Company ("United"). United is not
9 now, nor has it ever been, licensed by the Department in any capacity.

10 3. On or about October 21, 2009, ROJAS filed a fictitious business name
11 statement with the Auditor/Controller-Recorder for the County of San Bernardino, naming
12 ROJAS as the registrant for Coast to Coast Financial Services ("Coast"). Coast has never been
13 licensed by the Department as a fictitious business name for ROJAS. Since February 20, 1996,
14 Coast has been licensed as a fictitious business name for broker Jerry Michael Schulman.
15 However, Jerry Michael Schulman had no knowledge of, or involvement with, the activities
16 described below.

17 4. At the times set forth below ROJAS negotiated to do one or more of the
18 following acts for another or others, for or in expectation of compensation: engaged in the
19 business of, acted in the capacity of, or advertised a loan modification and negotiation service
20 and advance fee brokerage with respect to loans which were secured by liens on real property for
21 compensation or in expectation of compensation and for fees collected in advance of the
22 transaction.

23 5. Lori C. Transaction

24 On or about March 1, 2010, Lori C. entered into an agreement with Coast, in
25 which Coast agreed to negotiate a modification of Lori C.'s home mortgage loan, in exchange
26 for the payment of an advance fee. Among the terms of this Agreement was a statement that "I
27 agree to pay the full amount owed Coast 2 Coast Financial Services through United Escrow and

1 Trustee Company before my modification is complete.” On March 1, 2010, Lori C. issued a
2 \$1,750 check to United as an advance fee for a loan modification. On March 17, 2010, Lori C.
3 issued another \$1,750 check to United as an advance fee for a loan modification.

4 6. Robert and Heather N. Transaction

5 On or about April 6, 2010, Robert and Heather N. entered into an agreement with
6 Coast, in which Coast agreed to negotiate a modification of Robert and Heather N.’s home
7 mortgage loan, in exchange for the payment of an advance fee.

8 7. Marisa M. Transaction

9 On or about May 7, 2010, Marisa M. was solicited by ROJAS regarding loan
10 modification services offered by Coast. On or about May 25, 2010, Marisa M. entered into an
11 agreement with Coast, in which Coast agreed to negotiate a modification of Marisa M.’s home
12 mortgage loan, in exchange for the payment of an advance fee. Among the terms of this
13 Agreement was a statement that “I agree to pay the full amount owed Coast 2 Coast Financial
14 Services through United Escrow and Trustee Company before my modification is complete.” On
15 May 25, 2010, Marisa M. issued a \$3,500 check to United as an advance fee for a loan
16 modification.

17 8. Daniel and Yvonne T. Transaction

18 On or about July 30, 2010, Daniel and Yvonne T. entered into an agreement with
19 Coast, in which Coast agreed to negotiate a modification of Daniel and Yvonne T.’s home
20 mortgage loan, in exchange for the payment of an advance fee. Among the terms of this
21 Agreement was a statement that “I agree to pay the full amount owed Coast 2 Coast Financial
22 Services through United Escrow and Trustee Company before my modification is complete.”
23 Between July 30, 2010 and September 2, 2010, Daniel and Yvonne T. issued \$4,900 to United as
24 advance fees for a loan modification.

25 CONCLUSIONS OF LAW

26 Based on the information contained in Paragraphs 1 through 8 above, ROJAS
27 violated Code Section 10130 by engaging in activities requiring a broker license without first

1 obtaining a broker license from the Department.

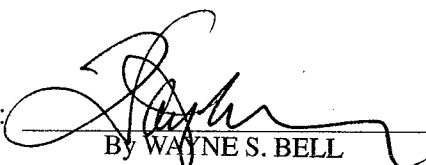
2 DESIST AND REFRAIN ORDER

3 Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW stated
4 herein, it is hereby ordered that THOMAS ROJAS, whether doing business under his own name,
5 or any other names, or any fictitious name, is hereby ordered to immediately desist and refrain
6 from performing any acts within the State of California for which a real estate broker license is
7 required. In particular, he is ORDERED TO DESIST AND REFRAIN from:

- 8 1. charging, demanding, claiming, collecting and/or receiving advance fees, as
9 that term is defined in Section 10026 of the Code, in any form, and under any
10 conditions, with respect to the performance of loan modification or any other
11 form of mortgage loan forbearance services in connection with loans on
12 residential property containing four or fewer dwelling units; and
- 13 2. charging, demanding, claiming, collecting and/or receiving advance fees, as
14 that term is defined in Section 10026 of the Code, for any of the other real
15 estate related services offered to others.

16 DATED: 4/22/2012

17 REAL ESTATE COMMISSIONER

18
19
20 By: 
21 By WAYNE S. BELL
22 Chief Counsel

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

cc: THOMAS ROJAS
1547 N. Fuchsia Avenue
Ontario, CA 91764