

1 Sections 10131(d) (real estate license required for enumerated acts) and 10131.2 (real estate
2 broker license required to charge or collect an advance fee) of the Code, in violation of Section
3 10130 of the Code.

4 7. VAN DYK and CRE used a form of advance fee agreement which had
5 not been provided to the Department for its prior review and consideration, in violation of
6 Section 10085 of the Code (prior submission of advance fee materials required) and Section
7 2970 (details for prior submission of advance fee materials) of the Regulations.

8 DESIST AND REFRAIN ORDER

9 Based on the Findings of Fact and Conclusions of Law stated herein, VAN DYK
10 and CRE, whether doing business under your own name, or any other name or fictitious name,
11 ARE HEREBY ORDERED to:

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

17 2. Immediately desist and refrain from charging, demanding, claiming,
18 collecting and/or receiving advance fees, as that term is defined in Section 10026 of the Code,
19 for any of the services you offer to others, unless and until you demonstrate and provide
20 evidence satisfactory to the Commissioner that you are properly licensed by the Department as a
21 real estate broker, and that VAN DYK and CRE:

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

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

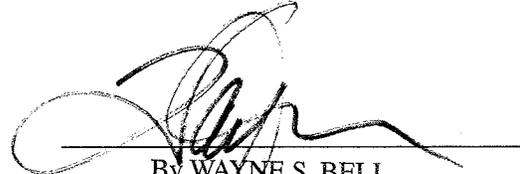
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1 (C) Have provided an accounting to trust fund owner-beneficiaries
2 pursuant to Section 2972 of the Regulations.

3 DATED: 7/23/2012

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5 REAL ESTATE COMMISSIONER

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8 By WAYNE S. BELL
9 Chief Counsel

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11 **- NOTICE -**

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