

FILED

FEB 19 2013

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

DEPARTMENT OF REAL ESTATE
BY: _____

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6
7 BEFORE THE DEPARTMENT OF REAL ESTATE

8 STATE OF CALIFORNIA

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11 To:) No. H-04462 SD
12)
13 BEST MORTGAGE SOLUTIONS and)
14 BMS LAW) ORDER TO DESIST
15) AND REFRAIN
16) (B&P Code Section 10086)

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

25 In addition, based on that investigation, the Commissioner has determined that
26 BEST MORTGAGE SOLUTIONS and BMS LAW have engaged in or are engaging in acts or
27 are attempting to engage in practices constituting violations of the California Business and

1 Professions Code ("Code"). Based on the findings of that investigation, set forth below, the
2 Commissioner hereby issues the following Findings of Fact, Conclusions of Law, and Desist and
3 Refrain Order under the authority of Section 10086 of the Code.

4 FINDINGS OF FACT

5 1. BEST MORTGAGE SOLUTIONS and BMS LAW are not now, and have
6 never been, licensed by the Department in any capacity.

7 2. At the times set forth below, BEST MORTGAGE SOLUTIONS and BMS
8 LAW negotiated to do one or more of the following acts for another or others, for or in
9 expectation of compensation: engaged in the business of a loan modification and negotiation
10 service and advance fee brokerage with respect to loans which were secured by liens on real
11 property for compensation or in expectation of compensation and for fees collected in advance of
12 the transaction.

13 John and Lae L. Transaction

14 3. On or about August 27, 2009, John and Lae L. entered into an agreement with
15 BEST MORTGAGE SOLUTIONS, in which BEST MORTGAGE SOLUTIONS offered to
16 negotiate a modification of John and Lae L's loan, which was secured by a lien(s) on real
17 property, in exchange for an advance fee payment. On August 27, 2009, John and Lae L.
18 submitted \$1,850 to BEST MORTGAGE SOLUTIONS, as an advance fee for a loan
19 modification.

20 Turner D. Transaction

21 4. On or about June 15, 2010, Turner D. paid \$1,200 to BMS LAW as an
22 advance fee to negotiate a modification of Turner D's loan, which was secured by a lien(s) on
23 real property.

24 Mardino E. Transaction

25 5. On or about July 1, 2010, Martino E. entered into an agreement with BEST
26 MORTGAGE SOLUTIONS, in which BEST MORTGAGE SOLUTIONS offered to negotiate
27 a modification of Martino E's loan, which was secured by a lien(s) on real property. Between

1 July 6, 2010 and August 24, 2010, Mardino E. submitted \$2,500 to BMS LAW, as advance
2 fees for a loan modification.

3 Elizabeth E. Transaction

4 6. Between December 1, 2010 and March 7, 2011, Elizabeth E. submitted
5 \$12,000 to BMS LAW, as advance fees for negotiation of a modification of Elizabeth E.'s loan,
6 which was secured by a lien(s) on real property.

7 CONCLUSIONS OF LAW

8 7. Based on the information contained in Paragraphs 1 through 6 above,
9 BEST MORTGAGE SOLUTIONS and BMS LAW violated Code Section 10130 by engaging
10 in activities requiring a broker license without first obtaining a broker license from the
11 Department.

12 DESIST AND REFRAIN ORDER

13 Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW stated
14 herein, it is hereby ordered that BEST MORTGAGE SOLUTIONS and BMS LAW, immediately
15 desist and refrain from: performing any acts within the State of California for which a real estate
16 broker license is required, unless you are so licensed.

17 IT IS FURTHER ORDERED THAT BEST MORTGAGE SOLUTIONS and
18 BMS LAW immediately desist and refrain from:

- 19 1. Charging, demanding, claiming, collecting and/or receiving advance fees, as
20 that term is defined in Section 10026 of the Code, in any form, and under any
21 conditions, with respect to the performance of loan modification or any other
22 form of mortgage loan forbearance services in connection with loans on
23 residential property containing four or fewer dwelling units.
- 24 2. Charging, demanding, claiming, collecting and/or receiving advance fees, as
25 that term is defined in Section 10026 of the Code, for any of the other real
26 estate related services offered to others.

1 DATED: 2/6/13

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3 Real Estate Commissioner
4 By **AWET P. KIDANE**
5 Chief Deputy Commissioner



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

13 cc: BMS LAW
14 BEST MORTGAGE SOLUTIONS

15 3330 Harbor Boulevard, Suite 201
16 Costa Mesa, CA 92626

17 6755 Mira Mesa Boulevard
18 San Diego, CA 92121