

1 DEPARTMENT OF REAL ESTATE  
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FILED

AUG 19 2010

DEPARTMENT OF REAL ESTATE

By *L. Guin*

8 STATE OF CALIFORNIA  
9 DEPARTMENT OF REAL ESTATE

10 \* \* \*

11 To: )  
12 ) NO. H-5446 SAC  
13 GUARDIAN GROUP, LLC, an Arizona )  
14 Limited Liability Corporation, INVESTORS ) ORDER TO DESIST AND  
15 FINANCE, INC., a California Corporation, ) REFRAIN  
16 JUAN CASAS, TRISTAN MIRELES, ) (B&P Code Section 10086)  
CALEB PASCUA, and TRINIDAD MIRELES )  
)

17 The Commissioner (Commissioner) of the California Department of Real Estate  
18 (Department) caused an investigation to be made of the activities of GUARDIAN GROUP,  
19 LLC, an Arizona Limited Liability Corporation, also known as THE GUARDIAN GROUP  
20 FUND, LLC, of INVESTORS FINANCE, INC., a California Corporation, of JUAN CASAS  
21 also known as JUAN M. CASAS BAUTISTA, of TRISTAN MIRELES, CALEB PASCUA,  
22 and of TRINIDAD MIRELES also known as MARTIN TRINIDAD MIRELES. Based on that  
23 investigation, the Commissioner has determined that GUARDIAN GROUP, LLC, INVESTORS  
24 FINANCE, INC., JUAN CASAS, TRISTAN MIRELES, CALEB PASCUA and TRINIDAD  
25 MIRELES have engaged in, are currently engaging in, or are attempting to engage in, acts or  
26 practices constituting violations of the California Business and Professions Code (Code) and/or  
27 Title 10, California Code of Regulations (Regulations), including engaging in the business of,

1 acting in the capacity of, advertising, or assuming to act as, a real estate broker in the State of  
2 California within the meaning of Section 10131(d) of the Code (performing services for  
3 borrowers and/or lenders in connection with loans secured by real property) and Section  
4 10131.2 of the Code (real estate broker license required to charge and collect advance fees).  
5 Based on the findings of that investigation, as set forth below, the Commissioner hereby issues  
6 the following Findings of Fact, Conclusions of Law, and Desist and Refrain Order under  
7 authority of Section 10086 of the Code.

8 FINDINGS OF FACT

9 1. At no time herein mentioned have GUARDIAN GROUP, LLC,  
10 INVESTORS FINANCE, INC., JUAN CASAS, TRISTAN MIRELES, CALEB PASCUA and  
11 TRINIDAD MIRELES been licensed by the Department in any capacity.

12 2. As hereinafter set forth, JUAN CASAS, TRISTAN MIRELES, and  
13 CALEB PASCUA engaged in the business of, acted in the capacity of, or assumed to act as a  
14 real estate broker in California, as set forth above, under the name FIRST FAMILY  
15 MODIFICATION GROUP. At no time herein mentioned has any person or entity under the  
16 name FIRST FAMILY MODIFICATION GROUP been licensed by the Department in any  
17 capacity.

18 3. As hereinafter set forth, JUAN CASAS, engaged in the business of, acted  
19 in the capacity of, or assumed to act as a real estate broker in California, as set forth above,  
20 under the name HOME CARE MORTGAGE SOLUTIONS. At no time herein mentioned has  
21 any person or entity under the name HOME CARE MORTGAGE SOLUTIONS been licensed  
22 by the Department in any capacity.

23 4. As hereinafter set forth, TRISTAN MIRELES, and CALEB PASCUA  
24 engaged in the business of, acted in the capacity of, or assumed to act as a real estate broker in  
25 California, as set forth above, under the names U. S. LOAN AUDIT SPECIALIST and U. S.  
26 LOAN SPECIALIST. At no time herein mentioned has any person or entity under either name

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1 U. S. LOAN AUDIT SPECIALIST or U. S. LOAN SPECIALIST been licensed by the  
2 Department in any capacity.

3 5. As hereinafter set forth, GUARDIAN GROUP, LLC, engaged in the  
4 business of, acted in the capacity of, or assumed to act as a real estate broker in California, as set  
5 forth above, under the names THE GUARDIAN GROUP FUND, LLC, and THE GUARDIAN  
6 GROUP, LLC. At no time herein mentioned has any person or entity under either name the  
7 THE GUARDIAN GROUP FUND, LLC, or THE GUARDIAN GROUP, LLC, been licensed by  
8 the Department in any capacity.

9 6. At no time herein mentioned was GUARDIAN GROUP, LLC, an Arizona  
10 limited liability corporation, registered with and certified by the California Secretary of State to  
11 conduct business within the State of California. At all times herein mentioned, GUARDIAN  
12 GROUP, LLC, transacted or advertised to transact intrastate business within the State of  
13 California without having first registered with the Secretary of State in violation of Section  
14 17451 of the California Corporations Code (foreign limited liability company shall apply for and  
15 register with Secretary of State and designate an agent for service of process).

16 7. Beginning in or about October 2009 and thereafter, JUAN CASAS,  
17 TRISTAN MIRELES, and CALEB PASCUA, individually, and doing business under the name  
18 FIRST FAMILY MODIFICATION GROUP, and each of them, and at all times herein  
19 mentioned, solicited borrowers, and/or lenders, and/or negotiated loans secured directly or  
20 collaterally by liens on real property, wherein such loans were to be brokered, arranged,  
21 processed, and/or consummated on behalf of others, and/or solicited and negotiated to perform  
22 services for borrowers and/or lenders in connection with loans secured directly or collaterally by  
23 liens on real property or on a business opportunity, pursuant to Section 10131(d) of the Code,  
24 wherein Respondents claimed, demanded, charged, received, and collected advance fees from  
25 borrowers for services Respondents were to perform thereafter, and/or provided a written  
26 contract for advance fees including, but not limited to, the following transactions:

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<b>Borrower</b>	<b>Property</b>	<b>Advance Fee</b>	<b>Date Collected</b>
Jess G.	4930-14th Avenue Sacramento, California	\$1,000.00	10/9/09
Dorothy G. Ronald R.	1051 San Gabriel Soledad, California	\$2,750.00	11/09
Johnnie W.	740 Las Casitas Drive Salinas, California	\$1,500.00	10/09
Jose R. G.	1112 Fairview Avenue Salinas, California	\$1,950.00	10/09

8. Beginning in or about March 2010 and thereafter, JUAN CASAS, individually, and doing business under the name HOME CARE MORTGAGE SOLUTIONS, at all times herein mentioned, solicited borrowers, and/or lenders, and/or negotiated loans secured directly or collaterally by liens on real property, wherein such loans were to be brokered, arranged, processed, and/or consummated on behalf of others, and/or solicited and negotiated to perform services for borrowers and/or lenders in connection with loans secured directly or collaterally by liens on real property or on a business opportunity, pursuant to Section 10131(d) of the Code, wherein Respondents claimed, demanded, charged, received, and collected advance fees from borrowers for services Respondents were to perform thereafter, and/or provided a written contract for advance fees including, but not limited to, the following transactions:

<b>Borrower</b>	<b>Property</b>	<b>Advance Fee</b>	<b>Date Collected</b>
Alejandro V.	2349 W. Rose Street Sacramento, California	\$1,500.00	3/10
Delia & Alfonso Q.	2427 Laguna Court Stockton, California	\$1,200.00	4/10
Daniel & Linda F.	6520 N. Alturas Avenue Stockton, California	\$ 750.00	3/10

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1 Ella H. 1322 Harpole Road \$ 500.00 3/10  
2 Redding, California

3 9. Beginning in or about February 2010 and thereafter, TRISTAN MIRELES,  
4 and CALEB PASCUA, individually, and doing business under the name U. S. LOAN AUDIT  
5 SPECIALIST and/or U. S. LOAN SPECIALIST, and GUARDIAN GROUP, LLC, doing  
6 business under the name THE GUARDIAN GROUP FUND, LLC, and/or THE GUARDIAN  
7 GROUP, LLC, and INVESTORS FINANCE, INC., and each of them, at all times herein  
8 mentioned, solicited borrowers, and/or lenders, and/or negotiated loans secured directly or  
9 collaterally by liens on real property, wherein such loans were to be brokered, arranged,  
10 processed, and/or consummated on behalf of others, and/or solicited and negotiated to perform  
11 services for borrowers and/or lenders in connection with loans secured directly or collaterally by  
12 liens on real property or on a business opportunity, pursuant to Section 10131(d) of the Code,  
13 wherein Respondents claimed, demanded, charged, received, and collected advance fees from  
14 borrowers for services Respondents were to perform thereafter, and/or provided a written  
15 contract for advance fees including, but not limited to, the following transactions:

<b>Borrower</b>	<b>Property</b>	<b>Advance Fee</b>	<b>Date Collected</b>
Juan & Guadalupe T.	191 Fumasi Drive Galt, California	\$1,750.00	4/10
Jamie & Zach C.	1931 Trinity Way Napa, California	\$5,700.00	2/15/10
Caroline A.	240 Dahlia Street Fairfield, California	\$5,000.00*	4/10 thru 8/10 *Total paid through installments.

24 10. Beginning in or about February 2010 and thereafter, GUARDIAN GROUP,  
25 LLC, doing business under the name THE GUARDIAN GROUP FUND, LLC, and/or THE  
26 GUARDIAN GROUP, LLC, at all times herein mentioned, solicited borrowers, and/or lenders,  
27 and/or negotiated loans secured directly or collaterally by liens on real property, wherein such

1 loans were to be brokered, arranged, processed, and/or consummated on behalf of others, and/or  
 2 solicited and negotiated to perform services for borrowers and/or lenders in connection with  
 3 loans secured directly or collaterally by liens on real property or on a business opportunity,  
 4 pursuant to Section 10131(d) of the Code, wherein Respondents claimed, demanded, charged,  
 5 received, and collected advance fees from borrowers for services Respondents were to perform  
 6 thereafter, and/or provided a written contract for advance fees including, but not limited to, the  
 7 following transactions:

Borrower	Property	Advance Fee	Date Collected
Tammy & Marshal H.	751 Bishop Street Manteca, California	\$1,595.00	3/1/10
Mary Jane Z.	2034 E. Swain Road Napa, California	\$1,595.00	2/19/10

13 CONCLUSIONS OF LAW

14 11. Based on the information contained in paragraphs 1 through 10, above,  
 15 GUARDIAN GROUP, LLC, INVESTORS FINANCE, INC., JUAN CASAS, TRISTAN  
 16 MIRELES, CALEB PASCUA and TRINIDAD MIRELES, acting under their own names or any  
 17 other names, solicited borrowers and/or lenders to perform services for those borrowers or  
 18 lenders in connection with loans secured directly or collaterally by one or more liens on real  
 19 property and charged, demanded and/or collected advance fees for the services to be provided,  
 20 which acts require a real estate license under Sections 10131(d) and 10131.2 of the Code, during  
 21 a period of time when GUARDIAN GROUP, LLC, INVESTORS FINANCE, INC., JUAN  
 22 CASAS, TRISTAN MIRELES, CALEB PASCUA and TRINIDAD MIRELES were not  
 23 licensed by the Department in any capacity in violation of Sections 10130 and 10131(b) of the  
 24 Code, and demanded and/or collected advance fees without first obtaining approval of an  
 25 advance fee agreement from the Commissioner in accordance with of Section 10085 of the  
 26 Code.

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1                   12. GUARDIAN GROUP, LLC, INVESTORS FINANCE, INC., JUAN  
2 CASAS, TRISTAN MIRELES, CALEB PASCUA and TRINIDAD MIRELES used a form of  
3 advance fee agreement which had not been submitted to the Department for its review and  
4 consideration prior to its use by Respondents in violation of Section 10085 of the Code (prior  
5 submission of advance fee materials to the Department required prior to use) and Section 2970  
6 of the Regulations (advance fees shall be submitted to Department 10 days prior to use).

7   DESIST AND REFRAIN ORDER

8                   Based on the Findings of Fact and Conclusions of Law stated herein;

9                   GUARDIAN GROUP, LLC, INVESTORS FINANCE, INC., JUAN CASAS,  
10 TRISTAN MIRELES, CALEB PASCUA and TRINIDAD MIRELES, doing business under  
11 your own names, or any other names, YOU ARE HEREBY ORDERED TO:

12                   1.       Immediately desist and refrain from performing any acts within the State of  
13 California for which a real estate broker license is required, unless and until you demonstrate  
14 and provide evidence satisfactory to the Commissioner that you are properly licensed by the  
15 Department as a real estate broker. In particular you are ordered to desist and refrain from:

16                         (i)       Soliciting borrowers or lenders and/or performing services for borrowers or  
17 lenders in connection with loans secured or to be secured directly or collaterally by one or more  
18 liens on real property.

19                   2.       Immediately desist and refrain from charging, demanding, claiming,  
20 collecting, and/or receiving advance fees as that term is defined in Section 10026 of the Code,  
21 for any of the services you offer to others, unless and until you demonstrate and provide  
22 evidence satisfactory to the Commissioner that you are properly licensed by the Department as a  
23 real estate broker, and that GUARDIAN GROUP, LLC, INVESTORS FINANCE, INC., JUAN  
24 CASAS, TRISTAN MIRELES, CALEB PASCUA and TRINIDAD MIRELES:

25                         (i.)       Have an advance fee agreement which has been submitted to the  
26 department and which is in compliance with the provisions of Section 2970 and 2972 of the  
27 Regulations;


1 (ii) Have placed all previously collected advance fees into a trust account in the  
2 name of the real estate broker as trustee and which is in compliance with Section 10146 of the  
3 Code; and,

4 (iii) Have provided an accounting to the owner/beneficiaries for all advance fee  
5 trust funds pursuant to Section 2972 of the Regulations.

6 3. Immediately desist and refrain from charging, demanding, claiming,  
7 collecting, and/or receiving advance fees, as that term is defined in Section 10026 of the Code,  
8 in any form, and under any conditions, with respect to the performance of loan modification or  
9 any other form of mortgage loan forbearance services in connection with loans secured directly  
10 or collaterally by liens on residential real property containing four or fewer dwelling units.

11  
12 DATED: August 19, 2010

13  
14 JEFF DAVI  
15 Real Estate Commissioner

16  
17 By   
18 WAYNE S. BELL  
19 Chief Legal Counsel

20 -NOTICE-

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



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cc:

BRYAN PREHODA  
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