

1 MARY F. CLARKE, Counsel (SBN 186744)
2 Department of Real Estate
3 P. O. Box 187007
4 Sacramento, CA 95818-7007

5 Telephone: (916) 227-0780 (Direct)
6 -or- (916) 227-0789 (Main Office)
7 -or- (916) 227-9458 (Fax)

FILED

MAR 29 2012

DEPARTMENT OF REAL ESTATE

H. Contreras

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12) NO. H-11350 SF
13 DAVID EDGARDO REYES MELENDEZ,)
14) ACCUSATION
15 Respondent.)

16 The Complainant, E. J. HABERER II, a Deputy Real Estate Commissioner of the
17 State of California, for Accusation against DAVID EDGARDO REYES MELENDEZ (herein
18 "Respondent") dba Mortgage Relief Assistance Group, Inc., is informed and alleges as follows:

19 1

20 The Complainant makes this Accusation in his official capacity.

21 2

22 At all times herein mentioned, Respondent was and now is, licensed and/or has
23 license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions
24 Code) (herein "the Code").

25 3

26 At all times herein mentioned, Respondent was and now is licensed by the State
27 of California Department of Real Estate (herein the "Department") as a real estate salesperson.
Between about October 31, 2008 and about April 12, 2010, Respondent was not in the employ of
a supervising broker.

At all times herein mentioned, Respondent engaged in the business of, acted in the capacity of, advertised, or assumed to act as a real estate broker within the State of California on behalf of others, for compensation or in expectation of compensation within the meaning of Section 10131(d) of the Code, including the operation and conduct of a mortgage loan brokerage with the public wherein, on behalf of others, for compensation or in expectation of compensation, Respondent solicited lenders or borrowers for or negotiated loans or loan modifications or collected payments or performed services for borrowers or lenders or note owners in connection with loans or loan modifications secured directly or collaterally by liens on real property or on a business opportunity.

Between about July 30, 2009 and about December 18, 2009, Respondent, while not in the employ of a supervising broker, claimed, demanded, charged, received, collected or contracted for advance fees from the borrowers shown below prior to submission to the Department of any or all materials used in advanced fee agreements or performed services for the following borrowers in connection with loans secured with real property before the borrowers became obligated to complete said loans, and failed to deposit said advance fees into a trust account with a bank or other recognized depository, in violation of Sections 10130 (licensed activities), 10131.2 (brokers collecting advance fees), 10139 (penalties for unlicensed activities), 10085 (advance fee materials), 10085.5 (advance fees), 10085.6 (advance fees), 10146 (depositing advanced fees into a trust account) of the Code, and Sections 2970 (advance fee materials) and 2972 (advance fee accounting content) of Title 10, Chapter 6, of the California Code of Regulations (herein "the Regulations"):

<u>Borrower</u>	<u>Property Address</u>	<u>Advance Fee</u>	<u>Date</u>
Alicia G.	Newbridge St. East Palo Alto, CA	\$1,300	7/30/09
Martin G.	Sunatra Ave San Jose, CA	\$1,300	7/29/09
		\$1,300	9/15/09

1	(Continued)	<u>Borrower</u>	<u>Property Address</u>	<u>Advance Fee</u>	<u>Date</u>
2		Abron N.	Fallbrook Ave.	\$1,300	12/18/09
3			San Jose, CA	\$1,300	12/20/09
4				\$ 900	11/xx/10

6

5 On about December 18, 2009, Respondent represented himself as an attorney to
6 Abron M., when in fact; Respondent is not now, and has never been, licensed as an attorney, in
7 violation of Sections 10176(a) (substantial misrepresentation) and 10176(i) (dishonest dealing)
8 of the Code.

7

10 Between about July 30, 2009 and about December 18, 2009, Respondent failed to
11 obtain a real estate license bearing the fictitious business name "Mortgage Relief Assistance
12 Group, Inc." while conducting activities for which a license was required, in violation of Section
13 10159.5 of the Code and Section 2731 of the Regulations.

8

15 The facts alleged above are grounds for the suspension or revocation of the license
16 and license rights of Respondent under the following provisions of the Code and/or
17 the Regulations:

- 18 (a) as to Paragraph 5 under Sections 10130, 10131.2, 10139, 10085,
19 10085.5, 10085.6, and 10146 of the Code, and Sections 2970, and
20 2972 of the Regulations, in conjunction with Section 10177(d) of the
21 Code;
- 22 (b) as to Paragraph 6 under Sections 10176(a) and 10176(i) of the Code;
23 and,
- 24 (c) as to Paragraph 7 under Section 10159.5 of the Code and Section
25 2731 of the Regulations, in conjunction with Section 10177(d) of the
26 Code.

27 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

Section 10106 of the Code provides, in pertinent part, that in any order issued in resolution of a disciplinary proceeding before the Department, the Commissioner may request the Administrative Law Judge to direct a licensee found to have committed a violation of this part to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof a decision be rendered imposing disciplinary action against all licenses and license rights of Respondent under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code), for the cost of the investigation and enforcement as permitted by law, and for such other and further relief as may be proper under other applicable provisions of law.



E. J. HABERER II
Deputy Real Estate Commissioner

Dated at Oakland, California,
this 28 day of March, 2012.