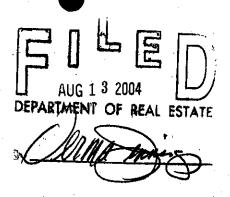
Department of Real Estate 320 West Fourth Street, Ste. 350 Los Angeles, California 90013

(213): 576-6982



DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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To:

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RE/MAX 100 CORP.

and FRED ALEXANDER SAENZ
as designated Officer of
Re/Max 100 Corp.

No. H-31173 LA

ORDER TO DESIST AND REFRAIN

The Real Estate Commissioner of the State of California has caused an investigation to be made of your activities as a real estate broker, and based on the findings of that investigation is of the opinion that RE/MAX 100 CORP. and FRED ALEXANDER SAENZ have violated Sections 10145(a) and 10240 of the Business and Professions Code (hereinafter Code) as well as Regulations 2731, 2831, 2832 (all references herein to Regulations refer to the California Code of Regulations, Title 10, Chapter 6), and Sections 17006(a)(4) and 17403.4 of the Financial Code.

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That at all times herein mentioned, you, RE/MAX 100 CORP., were licensed by the Department of Real Estate of the State of California (hereinafter Department) as a corporate real estate broker and you, FRED ALEXANDER SAENZ, were licensed as the designated officer of said corporation.

II

At all times herein mentioned, you, RE/MAX 100 CORP., and you, FRED ALEXANDER SAENZ, on behalf of others in expectation of compensation engaged in the business, acted in the capacity of, advertised or assumed to act as a real estate broker in the State of California within the meaning of Section 10131(a) of the Code, including soliciting buyers and sellers and negotiating the sale of real property. In addition, both of you operated pursuant to the exemption set forth in Financial Code Section 17006(a)(4).

III

During 2001, 2002 and 2003, in connection with the aforesaid brokerage activities, you, RE/MAX 100 CORP., and you, FRED ALEXANDER SAENZ, accepted or received funds from buyers and sellers and thereafter made disbursements of such funds. You maintained Trust Account No. 0013267782 at City National Bank.

IV

In connection with your activities as a real estate broker, as described above, you, RE/MAX 100 CORP., and you, FRED ALEXANDER SAENZ, acted in violation of the Real Estate Law as follows:

. .

(1) Violated Section 10145(a)/Regulation 2831 in that the record of trust funds received and not placed in a trust account was not in chronological order and did not always indicate from whom funds received, to whom funds were forwarded and the date forwarded. The date earnest money was forwarded was incorrect at times.

- (2) Violated Section 10145(a)/Regulation 2832 in that the escrow trust account was not in the broker's name as trustee.
- (3) Violated Section 17600(a)(4) of the Financial Code by acting in the capacity of an escrow holder in the transactions for borrowers Rojas, Aregawi, Quevedo, and Castillo in which you did not perform acts for which a real estate license is required.
- (4) Violated Section 17403.4 of the Financial Code by failing to provide in all written escrow instructions executed by a buyer or seller a statement in not less than 10 point type which included the license name and the name of the department issuing the license or authority under which the broker was operating its broker escrow activities.
- (5) Violated Regulation 2731 by using the unlicensed fictitious business name Choice Escrow in your escrow transactions.
- (6) Violated Section 10240 by failing to retain on file for a period of three years a true and correct copy of the Mortgage Loan Disclosure Statement as signed by borrowers Esparza, Vasquez, Ramirez, Cabrera, Ortiz and Lopez.

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1 NOW, THEREFORE, YOU, RE/MAX 100 CORP., AND YOU, FRED ALEXANDER SAENZ, ARE ORDERED TO DESIST AND REFRAIN from performing any and all activities for which a real estate broker 3 license is required until you comply with all provisions of the 5 Real Estate Law as set forth in this Order. DATED: July 14 6 7 JOHN R. LIBERATOR 8 Acting Real Estate Commissioner 10 11 12 13 14 15 1.6 17 18 19 20 cc: Re/Max 100 Corp. 4311 Wilshire Blvd., Suite 100 21 Los Angeles, California 90010 22 Fred Alexander Saenz 4311 Wilshire Blvd., Suite 100 23 Los Angeles, California 90010 24 JRP:JL

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