


1 Department of Real Estate
2 320 West Fourth Street, Ste. 350
3 Los Angeles, California 90013
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FILED
AUG 13 2004
DEPARTMENT OF REAL ESTATE


DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

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To:)	No. H-31173 LA
)	
RE/MAX 100 CORP.)	<u>ORDER TO DESIST</u>
and FRED ALEXANDER SAENZ)	<u>AND REFRAIN</u>
as designated Officer of)	
Re/Max 100 Corp.)	

15 The Real Estate Commissioner of the State of California
16 has caused an investigation to be made of your activities as a
17 real estate broker, and based on the findings of that
18 investigation is of the opinion that RE/MAX 100 CORP. and FRED
19 ALEXANDER SAENZ have violated Sections 10145(a) and 10240 of the
20 Business and Professions Code (hereinafter Code) as well as
21 Regulations 2731, 2831, 2832 (all references herein to
22 Regulations refer to the California Code of Regulations, Title
23 10, Chapter 6), and Sections 17006(a)(4) and 17403.4 of the
24 Financial Code.

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I

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

7 (2) Violated Section 10145(a)/Regulation 2832 in that
8 the escrow trust account was not in the broker's name as trustee.

9 (3) Violated Section 17600(a)(4) of the Financial Code
10 by acting in the capacity of an escrow holder in the transactions
11 for borrowers Rojas, Aregawi, Quevedo, and Castillo in which you
12 did not perform acts for which a real estate license is required.

13 (4) Violated Section 17403.4 of the Financial Code by
14 failing to provide in all written escrow instructions executed by
15 a buyer or seller a statement in not less than 10 point type
16 which included the license name and the name of the department
17 issuing the license or authority under which the broker was
18 operating its broker escrow activities.

19 (5) Violated Regulation 2731 by using the unlicensed
20 fictitious business name Choice Escrow in your escrow
21 transactions.

22 (6) Violated Section 10240 by failing to retain on
23 file for a period of three years a true and correct copy of the
24 Mortgage Loan Disclosure Statement as signed by borrowers
25 Esparza, Vasquez, Ramirez, Cabrera, Ortiz and Lopez.


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1 NOW, THEREFORE, YOU, RE/MAX 100 CORP., AND YOU, FRED
2 ALEXANDER SAENZ, ARE ORDERED TO DESIST AND REFRAIN from
3 performing any and all activities for which a real estate broker
4 license is required until you comply with all provisions of the
5 Real Estate Law as set forth in this Order.

6 DATED: July 16, 2004.

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8 JOHN R. LIBERATOR
Acting Real Estate Commissioner

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20 cc: Re/Max 100 Corp.
21 4311 Wilshire Blvd., Suite 100
Los Angeles, California 90010
22 Fred Alexander Saenz
23 4311 Wilshire Blvd., Suite 100
Los Angeles, California 90010

24 JRP:JL
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