DEPARTMENT OF REAL ESTATE
P. O. Box 187007
Sacramento, CA 95818-7007

Telephone: (916) 227-0789

FILED
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DEPARTMENT OF REAL ESTATE
By K. Contreras

BEFORE THE

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

To: GELAN, INC.	NO. H-2798 FR
	ORDER TO DESIST AND REFRAIN (B&P Code Section 10086)

The Real Estate Commissioner (Commissioner) of the California Department of Real Estate (Department) caused an investigation to be made of the activities of GELAN, INC. Based on that investigation, the Commissioner has determined that GELAN, INC., has engaged in, is engaging in, or is attempting to engage in, acts or practices constituting violations of the California Business and Professions Code (Code), including the business of, acting in the capacity of, and/or advertising or assuming to act as a real estate broker in the State of California within the meaning of Sections 10131(d) (performing services for borrowers in connection with loans secured by real property), 10131.2 (broker claiming/collecting receiving advance fees), and 10026 (advance fees) of the Code

Furthermore, based on the investigation, the Commissioner hereby issues the following Findings of Fact, Conclusions of Law, and Desist and Refrain Order under the authority of Section 10086 of the Code.

Whenever acts referred to below are attributed to GELAN, INC., those acts are alleged to have been done by GELAN, INC., acting by itself, or by and/or through one or more agents, associates, affiliates, and/or co-conspirators.

FINDINGS OF FACT

1. At no time herein mentioned has GELAN, INC., been licensed in any capacity by the Department.

2. During the period of time set out below, GELAN, INC., solicited borrowers and negotiated to do one or more of the following acts for another or others for or in expectation of compensation: negotiate one or more loans for, or perform services for, borrowers and/or lenders in connection with loans secured directly or collaterally by one or more liens on real property; and charge, demand or collect advance fees for any of the services offered.

3. On about December 22, 2009, GELAN, INC., solicited Evangelina G. (herein "Evangelina") to provide loan modification services in order to save Evangelina's residence, located on Beth Street, Hollister, California, from foreclosure and collected an advance fee for said services in the amount of about $1,100.00, when in fact, GELAN, INC., failed to obtain a loan modification and Evangelina's home was foreclosed on about November 8, 2010, violations of Sections 10130 (license requirement) and 10085.6 (collecting advance fees) of the Code.

CONCLUSIONS OF LAW

4. Based on the Findings of Fact contained in Paragraphs 1 through 3, GELAN, INC., acting by itself, or by and/or through one or more agents, associates, affiliates, and/or co-conspirators, charged, demanded or collected advance fees, in violation of Sections 10130 and 10085.6 of the Code.

DESIST AND REFRAIN ORDER

Based on the Findings of Fact and Conclusions of Law stated herein, GELAN, INC., whether doing business under its own name, or any other names or fictitious names, ARE HEREBY ORDERED to immediately desist and refrain from performing any acts within the State of California for which a real estate broker license is required for others for compensation unless

and until GELAN, INC., obtains an appropriate license issued by the Department; and in particular from charging, demanding, claiming, collecting and/or receiving advance fees, as that term is defined in Section 10026 of the Code, in any form, and under any conditions, with respect to the performance of loan modifications or any other form of mortgage loan forbearance service in connection with loans on residential property containing four or fewer dwelling units (Section 10085.6 of the Code).

DATED: 12/27/2012

Real Estate Commissioner

By WAYNE S. BELL
Chief Counsel

-NOTICE-

Business and Professions Code Section 10139 (Penalties for Unlicensed Person) provides that: "Any person acting as a real estate broker, real estate salesperson, or mortgage loan originator without a license or license endorsement, or who advertises using words indicating that he or she is a real estate broker, real estate salesperson, or mortgage loan originator without being so licensed or without having obtained a license endorsement, shall be guilty of a public offense punishable by a fine not exceeding twenty thousand dollars ($20,000), or by imprisonment in the county jail for a term not to exceed six months, or by both fine and imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars ($60,000). ..."

cc: GELAN, INC.
Attn Erika Barrios, Agent for Service
210 San Benito Street
Suite D
Hollister, CA 95023

Atty MFC/kc