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DEPARTMENT OF REAL ESTATE
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Sacramento, CA 95818-7007

Telephone: (916) 227-0789

August 6, 2012

DEPARTMENT OF REAL ESTATE

By _____

STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

To: JUAN CARLOS ALDANA	NO. H-4395 SD ORDER TO DESIST AND REFRAIN (B&P Code Section 10086)

The Commissioner ("Commissioner") of the California Department of Real Estate ("Department") caused an investigation to be made of the activities of JUAN CARLOS ALDANA ("ALDANA"). Based on that investigation, the Commissioner has determined that ALDANA 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 acting in the capacity of, advertising, or assuming to act as a real estate broker in the State of California within the meaning of Code Sections 10130 (act as a real estate broker without a license), 10131(a) (solicited prospective sellers and purchasers of, solicited and obtained listings of, and negotiated the purchase and sale of real property) Furthermore, based upon the investigation, the Commissioner hereby issues the following Findings of Fact and Desist and Refrain Order under the authority of Code Section 10086.

FINDINGS OF FACT

1. ALDANA is not and has never been licensed by the Department in any capacity.

2. As set forth herein, ALDANA engaged in the business of, acted in the capacity of, or assumed to act as a real estate broker in California.

3. Beginning on or about May 21, 2009, and continuing until at least August 2009, when the escrow was canceled, ALDANA represented Maria D. to negotiate the purchase of a residential income property commonly referred to as 4232-36 Polk Avenue, San Diego California, without holding a real estate broker license in violation of Sections 10130 and 10131(a) of the Code.

4 Beginning on or about June 22, 2009, and continuing until at least September 28, 2009, when escrow was canceled, ALDANA represented The Tellier Family Trust, Merle D., and Bernardo D., Trustees, to negotiate the purchase of a residential property commonly referred to as 1630 Connoley Avenue, Chula Vista California, without holding a real estate broker license in violation of Sections 10130 and 10131(a) of the Code.

5 ALDANA, in the above mention transactions, fraudulently misrepresented that licensed real estate salesperson George B. represented the buyers when, in fact, ALDANA was the buyers' representative in violation of Sections 10130 and 10131(a) of the Code.

CONCLUSIONS OF LAW

Based upon the Findings of Fact contained in Paragraphs 1 through 5, above, ALDANA, for or in expectation of compensation, represented the purchasers of real property when ALDANA was not licensed by the Department in any capacity in violation of Sections 10130 and 10131(a) of the Code.

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DESIST AND REFRAIN ORDER

Now, therefore, JUAN CARLOS ALDANA IS HEREBY ORDERED TO IMMEDIATELY DESIST AND REFRAIN from performing any and all acts within the State of California for which a real estate broker license is required, unless and until you obtain such a license.

DATED: 7/23/2012

REAL ESTATE COMMISSIONER

By WAYNE S. BELL
Chief Counsel

NOTICE

Business and Professions Code Section 10139 provides that, "any person acting as a real estate broker or real estate salesperson without a license or who advertises using words indicating that he or she is a real estate broker without being so licensed 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: JUAN CARLOS ALDANA
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BONITA, CA 91902