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FILED

MAR - 4 2015

BUREAU OF REAL ESTATE

By D. Contreras

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

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| To: WILLIAM EDWARD ROBERTS. | NO. H-11820 SF<br><br>ORDER TO DESIST AND REFRAIN<br>(B&P Code Section 10086) |

The Real Estate Commissioner ("Commissioner") of the California Bureau of Real Estate ("Bureau") caused an investigation to be made of the activities of WILLIAM EDWARD ROBERTS ("Respondent"), individually and doing business as "The VA Loan Guys" ("VALG"). Based on that investigation, the Commissioner has determined that Respondent has engaged in, is engaging in, or is attempting to engage in, acts or practices constituting violations of Sections 10140.6 (disclosure of license status in advertising), 10159.5 (fictitious business name), 10162 (place of business), 10166.02 (mortgage loan originator license endorsement), 10235 (misleading advertising), 10235.5 (license disclosure in loan advertising), 10236.4 (disclosure of license number in advertising) and 17539.4 (disclosure of license in real property loans) of the Real Estate Law, Part 1 of Division 4 of the Business & Professions Code (" the Code"), and Sections 2715 (business and mailing addresses), 2731 (use of false or fictitious business name), 2770 (electronic communications), 2770.1 (license designation in advertising), 2773 (disclosure of license identification number in solicitation materials), 2847.3 (disclosure of

licensing and issuing department) and 2848 (advertising criteria) of Title 10, California Code of the Regulations ("the Regulations"). 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.

FINDINGS OF FACT

1. Respondent is presently licensed and/or has license rights under the Code as a real estate broker. However, Respondent was unlicensed from May 12, 2013 through December 24, 2013.

2. Respondent currently holds a Mortgage Loan Originator License Endorsement (License Endorsement) with the Bureau.

3. At no time has VALG been licensed to conduct real estate activity in the State of California.

4. Respondent, while doing business as VALG, operated the internet site www.thevaloanguys.com, which Respondent alleged was used strictly for educational purposes. However, in or about April/May 2012, a Special Investigator from the Bureau's Mortgage Loan Broker Section reviewed Respondent's website and determined that it violated numerous sections of the Real Estate Law, including Sections 10140.6, 10159.5, 10162, 10166.02, 10235, 10235.5, 10236.4 and 17539.4 of the Code, and Sections 2715, 2731, 2770, 2770.1, 2773, 2847.3, and 2848 of the Regulations. Specifically, Respondent's website failed to legibly display Respondent's real estate license and Mortgage Loan Servicer ("MLS") license numbers; "The VA Loan Guys" is not a properly licensed fictitious business name; "The VA Loan Guys" does not have an approved National Mortgage Loan Servicer mortgage loan originator license endorsement; Respondent uses the phrase "No Costs" on his website, which the Bureau considers to be misleading; Respondent's website fails to provide license and MLS endorsement numbers in regards to offering loan services; Respondent failed to include the required statement "Real Estate Broker, California Department of Real Estate" in type size no smaller than the smallest print in the advertisement; Respondent used numerous superlatives and

comparatives in his website advertising without explanation which would render them unambiguous; and Respondent's website advertisement represents or implies more favorable terms are available than are available through other sources, but fails to disclose any restrictions or conditions related to those terms.

5. On or about April 4, 2013, a Special Investigator from the Bureau's Oakland District Office sent a Corrective Action Letter by certified mail to Respondent's official mailing address of 80 West Hookston Road, #125, Pleasant Hill, California 94523. The Corrective Action Letter demanded that Respondent remove the VALG website based on the violations of the Real Estate Law as set forth in Paragraph 4, above. On or about April 16, 2013, that letter was returned by the United States Postal Service, marked "Return to Sender-Attempted-Not Known-Unable to Forward". According to the Bureau's records, Respondent used the West Hookston Road as his official address for the period June 7, 2010, through June 3, 2013.

6. On or about April 17, 2013, a second copy of the Corrective Action Letter was sent by the Special Investigator to Respondent by certified mail to Respondent's official main office address at 5976 West Las Positas Boulevard, #222, Pleasanton, California 94588. On or about April 30, 2013, that letter was returned by the United States Postal Service, marked "Return to Sender-Not Deliverable as Addressed-Unable to Forward". According to the Bureau's records, Respondent had designated the West Las Positas Boulevard address as his main office address from January 11, 2013, through May 12, 2013.

7. On or about June 5, 2013, a third copy of the Corrective Action Letter was sent by the Special Investigator by certified mail to Respondent's only other address known to the Bureau at the time of 53 States Street, San Francisco, California 94114. On or about July 29, 2013, that letter was returned by the United States Postal Service, marked "Return to Sender-Unclaimed-Unable to Forward". According to the Bureau's records, Respondent has used the States Street address as his mailing address from June 4, 2013, through December 24, 2013.

## CONCLUSIONS OF LAW

Based on the Findings of Fact contained in Paragraphs 1 through 7, above, Respondent violated Sections 10140.6, 10159.5, 10162, 10166.02, 10235, 10235.5, 10236.4, and 17539.4 of the Code, and Sections 2715, 2731, 2770, 2770.1, 2773, 2847.3, and 2848 of the Regulations.

## DESIST AND REFRAIN ORDER

Based on the Findings of Fact and Conclusions of Law stated herein, WILLIAM EDWARD ROBERTS, whether doing business under his own name, or any other name or fictitious name, IS HEREBY ORDERED to immediately desist and refrain from:

1) Using advertising offering to provide services related to real estate that is misleading and/or fails to disclose all information required under the Real Estate Law;
2) Using a fictitious business name without obtaining prior approval to do so; and,
3) Failing to maintain with the Bureau a current address of his principal place of business and mailing address.

DATED: FEB 18 2015

REAL ESTATE COMMISSIONER

By: JEFFREY MASON
Chief Deputy Commissioner

**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)...."

ATTY JWB/kc