Sacto Hearing

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DEPARTMENT OF REAL ESTATE
BY: Laura B. Glow

Department of Real Estate
320 West Fourth St. #350
Los Angeles, CA 90013

(213) 576-6982

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

To:	No. H-36935-LA
GRUPO HISPANO, IVO DANILO SARTI, YNONIER ANDRES MORA, LESLIE SARTI,and CARMEN JACOB,	ORDER TO DESIST AND REFRAIN (B&P Code Section 10086)

The Real Estate Commissioner of the State of California ("Commissioner") has caused an investigation to be made of the activities of GRUPO HISPANO, IVO DANILO SARTI, YNONIER ANDRES MORA, LESLIE SARTI, and CARMEN JACOB. Based on that investigation, the Commissioner has determined that GRUPO HISPANO, IVO DANILO SARTI, YNONIER ANDRES MORA, LESLIE SARTI, and CARMEN JACOB have engaged in, are engaging in, or are attempting to engage in, acts or practices constituting violations of the California Business and Professions Code ("Code") and/or Title 10, Chapter 6, California Code of Regulations ("Regulations"). Based on that 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 GRUPO HISPANO, those acts are alleged to have been done by GRUPO HISPANO and/or by its officers, directors, employees, agents, affiliates and real estate licensees employed by or associated with that party who at all times mentioned were engaged in the furtherance of its business or operations and were acting within the course and scope of their authority and employment.

FINDINGS OF FACT

1. GRUPO HISPANO is an unincorporated association other than a partnership. GRUPO HISPANO is not licensed by the Department in any capacity, as a real estate broker or as the licensed fictitious business name of a real estate licensee. On or about February 6, 2009, IVO DANILO SARTI and YNONIER ANDRES MORA filed a Fictitious Business Name Statement with the Los Angeles County Registrar's Office indicating that as of that date, they were doing business as GRUPO HISPANO, with a principal place of business located at 1749 Potrero Grande Dr., Monterrey Park, CA 91755.

2. IVO DANILO SARTI (hereinafter "I.D. SARTI") is not currently, and has never been, licensed by the Department as a real estate broker or as a salesperson employed by a real estate broker.

3. YNONIER ANDRES MORA (hereinafter "MORA") is not currently, and has never been, licensed by the Department as a real estate broker or as a salesperson employed by a real estate broker.

4. LESLIE SARTI (hereinafter "L. SARTI") is not currently, and has never been, licensed by the Department as a real estate broker or as a salesperson employed by a real estate broker.

5. CARMEN JACOB (hereinafter "JACOB") is not currently, and has never

been, licensed by the Department as a real estate broker or as a salesperson employed by a real estate broker.

6. All further references to the parties listed in Paragraphs 1 through 5 above, include those parties and entities themselves, as well as the officers, agents and employees of the parties listed in Paragraphs 1 through 5 above.

7. At all times relevant herein, the parties and entities listed in Paragraphs 1 though 5 above engaged in the business of, acted in the capacity of, advertised or assumed to act as real estate brokers in the State of California within the meaning of Code Sections 10131(d) and 10131.2. Their activities included soliciting borrowers or lenders for and/or negotiating loans, collecting payments and/or performing services for borrowers or lenders in connection with loans secured by liens on real property. Their activities also included claiming, demanding, charging, receiving, collecting or contracting for the collection of an advance fee within the meaning of Code Sections 10026 and 10085.

8. Beginning at a time no later than January 19, 2009, I.D. SARTI, MORA, L. SARTI and JACOB, doing business as GRUPO HISPANO (collectively "Respondents"), solicited borrowers for loan modification and related financial services through telemarketing and one or more advertisements in various print and radio media, including 1330 am radio. Those advertisements solicited, and continue to solicit, borrowers, offering loan modification services in exchange for payment of advance fees. The borrowers Respondents solicited included Victor R. and Maria M.

9. On or about January 31, 2009, Respondents collected an advance fee of $500.00 from borrowers Victor R. and Maria M. pursuant to an agreement which was not approved by the Department, in violation of Code Sections 10085 and 10085.5, and Regulation

2970. Respondents agreed to negotiate with lenders on their behalf to reduce or renegotiate the terms of home loans. Respondents did not in fact perform the promised activities and did not refund or provide an accounting for the advance fees collected.

10. None of the Respondents were licensed by the Department, and all were unlawfully engaging in activities requiring a real estate license.

CONCLUSIONS OF LAW

The conduct, acts and/or omissions of GRUPO HISPANO, I.D. SARTI, MORA, L. SARTI, and CARMEN JACOB, in advertising, soliciting, and negotiating on behalf of borrowers when they were not licensed by the Department is in violation of Code Section 10130.

DESIST AND REFRAIN ORDER

Based on the Findings of Fact and Conclusions of Law stated herein, GRUPO HISPANO, I.D. SARTI, MORA, L. SARTI, and CARMEN JACOB, whether doing business under your own names, or any other names, or any 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. In particular, Respondents are ORDERED TO DESIST AND REFRAIN from:

(i) 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; and

(ii) charging, demanding, claiming, collecting and/or receiving advance fees, as that term is defined in Section 10026 of the Code, for any other real estate related services

offered by them to others.

DATED: 11-18, 2010

JEFF DAVI
Real Estate Commissioner

By

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)."

Grupo Hispano
1749 Potrero Grande Drive, Suites A2 and O
Monterey Park, CA 91755

Ivo Danilo Sarti
1749 Potrero Grande Drive, Suites A2 and O
Monterey Park, CA 91755

Ynonier Andres Mora
1421 N. Indian Summer Ave.
La Puente, CA 91744

Leslie Sarti
1749 Potrero Grande Drive, Suites A2 and O
Monterey Park, CA 91755

Carmen Jacob
1749 Potrero Grande Drive, Suites A2 and O
Monterey Park, CA 91755