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FILED
MAR 14 2012
DEPARTMENT OF REAL ESTATE
BY: K Niederholt

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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To: KARLA GONZALEZ dba Fairway Modifications; JOHN POUKKULA dba Fairway Modifications	No. H-37975 LA ORDER TO DESIST AND REFRAIN (B&P Code Section 10086)

The Commissioner ("Commissioner") of the California Department of Real Estate caused an investigation to be made of the activities of KARLA GONZALEZ dba Fairway Modifications ("GONZALEZ") and JOHN POUKKULA dba Fairway Modifications ("POUKKULA"). Based on that investigation, the Commissioner has determined that GONZALEZ AND POUKKULA have engaged in or are engaging in acts or are attempting to engage in the business of, acting in the capacity of, and/or advertising or assuming to act as real estate brokers in the State of California within the meaning of California Business and Professions Code Section 10131(d) (soliciting borrowers for or collecting payments in

connection with loans secured by liens on real property) and 10131.2 (advance fee handling).

In addition, based on that investigation, the Commissioner has determined that GONZALEZ and POUKKULA have engaged in or are engaging in acts or are attempting to engage in practices constituting violations of the California Business and Professions Code. Based on the findings of that investigation, set forth below, the Commissioner hereby issues the following Findings of Fact, Conclusions of Law, and Desist and Refrain Order under the authority of California Business and Professions Code Section 10086.

FINDINGS OF FACT

1. GONZALEZ is not now, and has never been, licensed by the Department of Real Estate in any capacity.

2. POUKKULA is not now, and has never been, licensed by the Department of Real Estate in any capacity.

3. At the times set forth below GONZALEZ and POUKKULA negotiated to do one or more of the following acts for another or others, for or in expectation of compensation: engaged in the business of, acted in the capacity of, or solicited borrowers for a loan modification and negotiation service and advance fee brokerage with respect to loans which were secured by liens on real property for compensation or in expectation of compensation and for fees collected in advance of the transaction.

4. On or about January 14, 2009, Jose and Juana

("Jose and Juana") entered into an agreement whereby GONZALEZ and POUKKULA would negotiate with their lender for a loan modification on their property known as 1960 Harrison Avenue, San Diego, CA 92113 for an advance fee. On or about January 14, 2009, the Jose and Juana submitted a $100.00 check to GONZALEZ and POUKKULA. On or about March 5, 2009, the Jose and Juana submitted a $1,895.00 check to GONZALEZ and POUKKULA.

CONCLUSIONS OF LAW

5. Based on the information contained in Paragraphs 1 through 4, above, GONZALEZ and POUKKULA violated California Business and Professions Code Section 10130 by engaging in activities requiring a broker license without first obtaining a broker license from the Department of Real Estate.

DESIST AND REFRAIN ORDER

Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW stated herein, it is hereby ordered that GONZALEZ and POUKKULA immediately desist and refrain from: performing any acts within the State of California for which a real estate broker license is required, unless you are so licensed.

IT IS FURTHER ORDERED THAT GONZALEZ and POUKKULA immediately desist and refrain from:

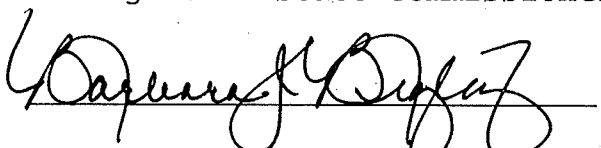
1. Charging, demanding, claiming, collecting and/or receiving advance fees, as that term is defined in California Business and Professions Code Section 10026, in any form, and under any conditions, with

respect to the performance of loan modification or any other form of mortgage loan forbearance services in connection with loans on residential property containing four or fewer dwelling units.

2. Charging, demanding, claiming, collecting and/or receiving advance fees, as that term is defined in California Business and Professions Code Section 10026, for any of the other real estate related services offered to others.

DATED: 2/27, 2012.

BARBARA J. BIGBY
Acting Real Estate Commissioner



Notice: California 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: KARLA GONZALEZ
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Chula Vista, CA 91910

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