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DEPARTMENT OF REAL ESTATE
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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

To:	No. H-38576 LA
JOSE ACOSTA and DIANA BARNEY	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 JOSE ACOSTA ("ACOSTA") and DIANA BARNEY ("BARNEY"). Based on that investigation the Commissioner has determined that ACOSTA and BARNEY 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 Business and Professions Code Sections 10131(d) (soliciting borrowers, negotiating loans or performing services for borrowers in connection with loans secured by real property) and 10131.2 (advance fee handling).

In addition, based on that investigation, the Commissioner has determined that ACOSTA and BARNEY have engaged in, or are engaging in, acts, or are attempting to engage in practices constituting violations of the California Business and Professions Code ("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 Section 10086 of the Code.

FINDINGS OF FACT

1. ACOSTA and BARNEY are not now, nor have they ever been, licensed by the Department in any capacity.

2. At all times set forth below, ACOSTA and BARNEY were employed by G & G Financial Group Inc ("G&G") a licensed real estate corporation.

3. At the times set forth below, ACOSTA and BARNEY 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 advertised 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.

Inosencia M. Transaction

4. In response to solicitation from ACOSTA, on October 10, 2009, Inosencia M. entered into an agreement with G & G, in which G & G agreed to negotiate modification of two loans secured by Inosencia M.'s property in exchange for Inosencia M.'s payment of advance fees to G & G.

Esteban L. Transaction

5. After being solicited by ACOSTA, on June 20, 2009, Esteban L. entered into an agreement with G & G, in which G & G agreed to negotiate modifications of loans secured by Esteban L's property in exchange for Esteban L's payment of advance fees to G & G.

Jose M. Transaction

6. In response to a solicitation from BARNEY, on December 2, 2010, Jose M. entered into an agreement with G & G in which G & G agreed to negotiate a modification of a loan secured by Jose M's property, in exchange for payment of advance fees to G & G.

Angelina D. Transaction

7. In response to a solicitation from BARNEY, on August 5, 2009, Angelina D. entered into an agreement with G & G in which G & G agreed to negotiate a modification of a loan secured by Angelina D's property, in exchange for payment of advance fees to G & G.

CONCLUSIONS OF LAW

8. Based on the information contained in Paragraphs 1 through 7 above, ACOSTA and BARNEY violated Code Section 10130 by engaging in activities requiring a broker license without first obtaining a broker license from the Department.

DESIST AND REFRAIN ORDER

Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW stated herein, it is hereby ordered that:

JOSE ACOSTA and DIANA BARNEY immediately desist and refrain from: performing any acts within the State of California for which a real estate broker license is required, unless JOSE ACOSTA and DIANA BARNEY are so licensed.

DATED: 10/22/2012

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: JOSE ACOSTA
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