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FILED

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BUREAU OF REAL ESTATE

By

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STATE OF CALIFORNIA

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To: RCT REAL ESTATE SERVICE; RCT HOME LOAN SERVICE; and RAFAEL CASTILLO CABRERA, doing business as RCT Real Estate Service and as RCT Home Loan Service	CalBRE No. H-40164 LA ORDER TO DESIST AND REFRAIN (B&P Code Section 10086)

The Commissioner ("Commissioner") of the California Bureau of Real Estate ("Bureau") caused an investigation to be made of the activities of RCT REAL ESTATE SERVICE ("RRES"), RCT HOME LOAN SERVICE ("RHLS") and RAFAEL CASTILLO CABRERA ("CABRERA") doing business as RRES and as RHLS, and has determined that each has engaged in or are engaging in acts or practices constituting violations of the California Business and Professions Code ("Code") and/or Title 10, California Code of Regulations ("Regulations") including engaging in the business of, acting in the capacity of, advertising, or assuming to act as real estate brokers in the State of California within the meaning of Code Section 10131 subsection (a) (selling or offering to sell and soliciting or negotiating sales) and Code Section 10131 subsection (d) (soliciting borrowers or lenders or negotiating loans). Based

on the findings of that investigation, as set forth below, the Commissioner hereby issues the following Findings of Fact and Desist and Refrain Order pursuant to Section 10086 of the Code.

FINDINGS OF FACT

1. At no time herein mentioned has RRES, RHLS or CABRERA been licensed by the Bureau in any capacity.

2. At the times mentioned herein RRES, RHLS and CABRERA engaged in the business, acted in the capacity of, advertised or assumed to act as a real estate broker in the State of California within the meaning of Code Section 10131 subparts (a) and (d), including soliciting prospective sellers or purchasers of real property, and negotiating for the purchase, sale or exchange of real property for compensation or in expectation of compensation as well as soliciting borrowers or lenders or negotiating loans secured directly or collaterally by liens on real property for compensation or in expectation of compensation.

3. Whenever acts referred to below are attributed to RRES, RHLS and/or CABRERA those acts are alleged to have been done by each of them, acting alone, or by and/or through one or more agents, associates, affiliates, and/or co-conspirators, including but not limited to each of those named herein, and using a fictitious name(s) unknown at this time.

4. In or around July, 2013, and thereafter, each of those named herein advertised their ability to negotiate the purchase of real property located in the cities of Oxnard, Encino, Pacoima and San Fernando by posting listings of real property for sale on the outside of their office located at an indoor swap meet in North Hollywood.

5. In reliance on the advertising described in Paragraph 4, above, in or around July, 2013, Juana A. approached CABRERA stating her desire to purchase a real property. Juana A. inquired of CABRERA about her ability to purchase a property despite having problems with her credit. CABRERA represented to CABRERA that her credit could be repaired if she purchased "5 credit points" for the sum of $800. In response to the foregoing information, Juana A. gave CABRERA a money order in the amount of $747.39 made payable to RHLS.

6. Thereafter, CABRERA showed Juana A. properties listed for sale on a Multiple Listing Service, and took Juana A. to view some of those properties. Juana A. chose one of the properties shown to her by CABRERA as a property she wished to purchase. CABRERA advised Juana A. that in order to purchase the property she chose she would need to give him $20,000 as a down payment on the purchase price. On or about July 8, 2013, Juana A. gave CABRERA a cashier's check in the amount of $20,000 made payable to RHLS. A day later CABRERA told Juana A. that she would need to give him an additional $17,000 to make her offer to purchase the property stronger. In response to CABRERA's advice, on or about July 9, 2013, Juana A. gave CABRERA an additional cashier's check in the amount of $17,000 made payable to RHLS. After the passage of several months, CABRERA told Juana A. that she could not purchase the property she had chosen as the sellers had changed their minds about selling. CABRERA then showed Juana A. additional properties listed for sale. Juana A. chose another property she wished to purchase. CABRERA advised Juana A. that to improve her chances of purchasing the property she should give him an additional $13,000 which would bring the total amount Juana A. gave CABRERA to $50,000. On or about September 17, 2013, Juana A. gave CABRERA a final cashier's check. This one was in the amount of $13,000 and was also made payable to RHLS.

7. Despite Juana A.'s payment of $50,000 to CABRERA and RHLS she was never able to purchase a property through CABRERA. Further, CABRERA failed and refused to refund the $50,000 Juana A. paid to him and RHLS.

8. On or about June 17, 2015, a Special Investigator of the Bureau went to CABRERA's office in North Hollywood to ascertain if CABRERA continued to engage in real estate activities. Upon arriving at CABRERA's office location the Special Investigator was approached by a woman named "Joann" who informed him that CABRERA helped people buy homes by providing loans to them. Joann informed the Bureau's investigator that CABRERA would be in touch with him. Joann also gave the investigator two business cards and a flyer which advertised CABRERA's real estate activities. One of CABRERA's cards said

CABRERA can "help you to buy your home." The other said that CABRERA is a loan manager for Interstate Lending Group, Inc. The flyer said: "We offer many easy and affordable loan programs. There is no need to apply with other banks or mortgage companies. Let us find the program right for you."

9. On or about August 14, 2015, a second Special Investigator for the Bureau went to CABRERA's office in North Hollywood. The investigator spoke with CABRERA directly to inquire about a particular property, 16403 Leadwell Street, Van Nuys, California. CABRERA told the Special Investigator that ten offers on the property had already been received. CABRERA also said one offer was for $400,000, and for the investigator to have a chance to buy the property the investigator would have to bid $405,000. CABRERA told the investigator that he would be the only individual the investigator would deal with throughout the purchase process. CABRERA provided the investigator with two business cards which were the same as the ones described in Paragraph 8, above.

10. On or about August 19, 2015, the Special Investigator received confirmation from listing agent Trina Brown that the property at 16403 Leadwell Street, Van Nuys, California had closed escrow as a purchase on August 4, 2015, a date prior to the time that CABRERA purported to offer the property for sale as is alleged in Paragraph 9, above.

CONCLUSIONS OF LAW

11. Based on the information contained in Paragraphs 4 through 9, above, CABRERA, RRES and RHLS have performed and/or participated in real estate activities, which require a license under the provision of Code Section 10131 subparts (a) and (d), during a period of time when none of them were licensed by the Bureau in any capacity in violation of Code Section 10130.

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DESIST AND REFRAIN ORDER

Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW stated herein, it is hereby ordered that RAFAEL CASTILLO CABRERA, RCT REAL ESTATE SERVICE and RCT HOME LOAN SERVICE, whether doing business under their own names, or any other names, or any fictitious name, 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 each of them is ordered to desist and refrain from soliciting sellers, borrowers, or their agents and/or performing services for sellers, borrowers, or their agents in connection with the purchase or sale of real property or of loans secured directly or collaterally by one or more liens on real property.

DATED: February 19, 2015

WAYNE S. BELL
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)."

cc: Rafael Castillo Cabrera
RCT Real Estate Service
RCT Home Loan Service
Sacramento