

1 DEPARTMENT OF REAL ESTATE  
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FILED

AUG 11 2009

DEPARTMENT OF REAL ESTATE



8 STATE OF CALIFORNIA

9 DEPARTMENT OF REAL ESTATE

10 TO: )  
11 ) NO. H-10753 SF  
12 ANGELINE LISA LIZARRAGO, )  
13 AVEMOS FINANCIAL GROUP, INC., ) ORDER TO DESIST AND REFRAIN  
14 and/or any other names or ) (B&P Code Section 10086)  
15 fictitious names )

16 The Commissioner (Commissioner) of the California Department of Real Estate  
17 (Department) caused an investigation to be made of the activities of ANGLELINE LISA  
18 LIZARRAGO (LIZARRAGO) and AVEMOS FINANCIAL GROUP, INC. (AFG). Based on  
19 that investigation, the Commissioner has determined that LIZARRAGO and AFG have engaged  
20 in acts or practices constituting violations of the California Business and Professions Code  
21 (Code), including Section 10137 (unlawful employment or payment of compensation) and/or  
22 Section 10177(d) in conjunction with Section 10130 (engaging in the business of advertising or  
23 assuming to act as a real estate broker without first obtaining a real estate license) and/or  
24 Section 2970 (requirements for advance fee agreements) and Section 2972 of Title 10, Chapter  
25 6, California Code of Regulations (Regulations). Furthermore, based on the investigation, the  
26 Commissioner hereby issues the following Findings of Fact, Conclusions of Law, and Desist  
27 and Refrain Order under the authority of Section 10086 of the Code.

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1 FINDINGS OF FACT

2 1. At no time herein mentioned has LIZARRAGO been licensed by the  
3 Department in any capacity.

4 2. LIZARRAGO was issued a Desist and Refrain Order in case H-1720 FR,  
5 filed on October 25, 2004, for conducting real estate activity without a license.

6 3. AFG is presently licensed by the Department as a real estate broker  
7 corporation, whose license is due to expire on March 10, 2010. AFG's license status is  
8 presently no broker affiliation.

9 4. Since about March 20, 2006, AFG has not had a main office location  
10 licensed with the Department or a broker/designated officer affiliated with its real estate  
11 corporation license.

12 5. Beginning on or about October 8, 2008, on behalf of AFG, LIZARRAGO  
13 solicited and/or performed services for borrowers and lenders for loans secured directly or  
14 collaterally by liens on real property for or in expectation of compensation, including, but not  
15 limited to:

16 <u>HOMEOWNER</u>	<u>PROPERTY ADDRESS</u>
17 Joseph Manipon Miranda	1154 Fox River Way, 18 Ceres, California
19 Somboun Sisavath	7860 Manerside Drive, 20 Sacramento, California
21 Dalila Gaulden	1757 Caleb Circle, 22 Stockton, California

23 6. Beginning on or about October 8, 2008, on behalf of AFG, LIZARRAGO  
24 engaged in the business of demanding, charging, receiving, collecting or contracting for the  
25 collection of advance fees within the meaning of Sections 10026 of the Code including, but not  
26 limited to:

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1	<u>HOMEOWNER</u>	<u>AMOUNT</u>
2	Joseph Manipon Miranda	\$3,020.00
3	Somboun Sisavath	\$2,520.00
4	Dalila Gaulden	\$4,516.50

5  
6 JOSEPH MANIPON MIRANDA

7 7. On December 11, 2008, LIZARRAGO requested and received a check  
8 from Joseph Manipon Miranda (Miranda) for \$1,520 to retain AFG's services for loan  
9 modification services. A contract was signed between Miranda and LIZARRAGO indicating  
10 that the charge for loan modification services was \$4,500, which would be payable in  
11 installments.

12 SOMBOUN SISAVATH

13 8. On or around November 2008, LIZARRAGO promised Somboun  
14 Sisavath (Sisavath) that she would have his lender reduce the principal of his loan to the current  
15 market value. A contract was signed between Sisavath and LIZARRAGO, which included a  
16 money back guarantee. The total cost for the loan modification services was \$4,500.  
17 LIZARRAGO collected \$2,520 from Sisavath, which has never been returned.

18 DALILA GAULDEN

19 9. On October 8, 2008, Dalila Gaulden (Gaulden) was solicited by  
20 LIZARRAGO, who introduced herself as the CEO of AFG and as a loan modification specialist.  
21 A contract was signed between Gaulden and LIZARRAGO, which indicated that the charge for  
22 loan modification services was \$4,500.

23 10. Gaulden paid LIZARRAGO \$4,516.50 in three transactions. The first was  
24 for \$1,016.50 on the initial visit. The second was a personal check for \$1,500 made out to  
25 LIZARRAGO on November 10, 2008. The third was a personal check for \$2,000 made out to  
26 LIZARRAGO on November 12, 2008.

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1 CONCLUSIONS OF LAW

2 11. Based on the findings of fact contained in paragraphs 1 through 10,  
3 LIZARRAGO, acting by herself, or by and/or through one or more agents, associates, affiliates,  
4 and/or co-conspirators, and using the name Avemos Financial Group or other names or fictitious  
5 names unknown at this time, solicited borrowers and performed services for those borrowers  
6 and/or those borrowers' lenders in connection with loans secured directly or collaterally by one  
7 or more liens on real property, and charged, demanded or collected advance fees for the services  
8 to be provided, which acts require a real estate broker license under Sections 10130, 10131(d)  
9 and 10131.2 of the Code, during a period of time when LIZARRAGO was not licensed by the  
10 Department in any capacity. LIZARRAGO, on behalf of AFG, participated, and/or continues to  
11 participate, in charging, collecting, and accounting of advance fees, as defined in Section 10026  
12 of the Code, in a manner that is not in compliance with Section 2970 and 2972 of the  
13 Regulations.

14 DESIST AND REFRAIN ORDER

15 Based on the Findings of Fact and Conclusions of Law stated herein, you,  
16 ANGELINE LISA LIZARRAGO and AVEMOS FINANCIAL GROUP, INC.,  
17 whether doing business under your own names, or any other names or fictitious names, ARE  
18 HEREBY ORDERED to:

- 19 1. Immediately desist and refrain from performing any acts within the State  
20 of California for which a real estate broker license is required. In particular, you are ordered to  
21 desist and refrain from:
- 22 (i) soliciting borrowers and/or performing services for borrowers or lenders  
23 in connection with loans secured directly or collaterally by one or more  
24 liens on real property, and
  - 25 (ii) from charging, demanding, or collecting an advance fee for any of the  
26 services you offer to others, unless and until you obtain a real estate broker  
27 license issued by the Department, and until you demonstrate and provide

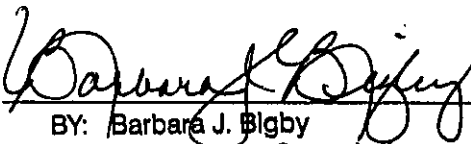
1 evidence satisfactory to the Commissioner that you are in full compliance  
2 with all of the requirements of the Code and Regulations relating to  
3 charging, collecting, and accounting for advance fees.

4 2. Immediately desist and refrain from collecting advance fees, as that term  
5 in defined in Section 10026 of the Code, in any form and particularly with respect to loan  
6 modification, loan refinance, principal reduction, foreclosure abatement or short sale services,  
7 unless and until you demonstrate and provide evidence satisfactory to the Commissioner that you  
8 have:

- 9 (i) an advance fee agreement which has been submitted to the Department  
10 and which is in compliance with Sections 2970 and 2972 of the  
11 Regulations;
- 12 (ii) placed all previously collected advance fees into a trust account for that  
13 purpose and are in compliance with Section 10146 of the Code; and
- 14 (iii) provided an accounting to trust fund owner-beneficiaries pursuant to  
15 Section 2972 of the Regulations.

16 DATED: 7-30-09

17 JEFF DAVI  
18 Real Estate Commissioner

19 By   
20 BY: Barbara J. Bigby  
Chief Deputy Commissioner

21 **Notice:** Business and Professions Code Section 10139 provides that "Any person acting as a  
22 real estate broker or real estate salesperson without a license or who advertises using words  
23 indicating that he or she is a real estate broker without being so licensed shall be guilty of a  
24 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)."

25 cc: Angeline Lisa Lizarrago  
26 Avemos Financial Group, Inc.  
27 5018 Mowry Avenue  
Fremont, CA 94538