

1 DEPARTMENT OF REAL ESTATE  
2 P. O. Box 187007  
3 Sacramento, CA 95818-7007  
4 Telephone: (916) 227-0791

FILED

DEC 23 2009

DEPARTMENT OF REAL ESTATE

By K. Contreras

8 BEFORE THE  
9 DEPARTMENT OF REAL ESTATE  
10 STATE OF CALIFORNIA

11 \* \* \*

12 TO:

13 ALEJANDRO "ALEX" MARIO AGUILAR, and )  
14 HISPANIC FAMILY OF CALIFORNIA, INC., )  
15 a Corporation. )

NO. H-10821 SF

ORDER TO  
DESIST AND REFRAIN  
(B&P Code Section 10086)

17 The Real Estate Commissioner (Commissioner) of the California Department of  
18 Real Estate (Department) caused an investigation to be made of the activities of ALEJANDRO  
19 "ALEX" MARIO AGUILAR (AGUILAR) dba HISPANIC FAMILY OF CALIFORNIA, INC.  
20 (HFC). Based on the investigation, the Commissioner has determined that AGUILAR has  
21 engaged in, is engaging in, or is attempting to engage in, acts or practices constituting violations  
22 of the California Business and Professions Code (Code) and/or Title 10, Chapter 6, California  
23 Code of Regulations (Regulations), including the business of, acting in the capacity of, and/or  
24 advertising or assuming to act as, a real estate broker in the State of California within the  
25 meaning of Sections 10131(a) (soliciting purchasers), (d) (performing services for borrowers in  
26 connection with loans secured by real property), 10085 (advanced fee materials), and 10085.5  
27 (claiming/collecting/receiving advanced fees) of the Code. Furthermore, based on the

1 investigation, the Commissioner hereby issues the following Findings of Fact, Conclusions of  
2 Law, and Desist and Refrain Order under the authority of Section 10086 of the Code.

3 Whenever acts referred to below are attributed to AGUILAR, those acts are  
4 alleged to have been done by AGUILAR, acting by himself, or by and/or through one or more  
5 agents, associates, affiliates, and/or co-conspirators, and using the name HISPANIC FAMILY  
6 OF CALIFORNIA, INC., or other names or fictitious names unknown at this time.

7 FINDINGS OF FACT

8 1. At no time herein mentioned has AGUILAR been licensed by the  
9 Department in any capacity.

10 2. Between about December 2008 and October 2009, AGUILAR solicited,  
11 through advertisements, prospective purchasers of real property, in an expectation of  
12 compensation, to buy or offer to buy, or negotiate the purchase, sale or exchange of real  
13 property, and continued to solicit prospective purchasers, urging them to "Call Today! Don't  
14 Miss the Opportunity to Own a Home!"

15 3. On about October 5, 2009, AGUILAR informed Ryan Carr, a Deputy  
16 Commissioner with the Department, that he had been performing loan modifications and  
17 soliciting borrowers to negotiate and/or perform one or more of the following acts for another  
18 or others, for or in expectation of compensation: negotiate one or more loans for, or perform  
19 services for borrowers and/or lenders in connection with loans secured directly or collaterally  
20 by one or more liens on real property.

21 4. On about October 5, 2009, AGUILAR informed Ryan Carr, a Deputy  
22 Commissioner with the Department, that he claimed, received, and collected advanced fees in  
23 the amount of between \$1,500 and \$2,500 for each borrower from approximately 40-65  
24 borrowers, without having first submitted advanced fee materials to the Commissioner.

25 CONCLUSIONS OF LAW

26 5. Based on the Findings of Fact contained in Paragraphs 1 through 4, above,  
27 AGUILAR, acting by himself, or by and/or through one or more agents, associates, affiliates,

1 and/or co-conspirators and using the name HISPANIC FAMILY OF CALIFORNIA, INC., or  
2 other names or fictitious names unknown at this time, solicited purchasers to buy or offer to  
3 buy, or negotiate the purchase, sale or exchange of real property real property, which requires a  
4 real estate license under Sections 10130 and 10131(a) of the Code, during a period of time  
5 when AGUILAR was not licensed by the Department in any capacity.

6 6. Based on the Findings of Fact contained in Paragraphs 1 through 4, above,  
7 AGUILAR, acting by himself, or by and/or through one or more agents, associates, affiliates,  
8 and/or co-conspirators, and using the name HISPANIC FAMILY OF CALIFORNIA, INC., or  
9 other names or fictitious names unknown at this time, performed services for those borrowers  
10 and/or those borrowers' lenders in connection with loans secured directly or collaterally by one  
11 or more liens on real property, which requires a real estate license under Sections 10130 and  
12 10131(d) of the Code, during a period of time when AGUILAR was not licensed by the  
13 Department in any capacity.

14 7. Based on the Findings of Fact contained in Paragraphs 1 through 4, above,  
15 AGUILAR, acting by himself, or by and/or through one or more agents, associates, affiliates,  
16 and/or co-conspirators, and using the name HISPANIC FAMILY OF CALIFORNIA, INC., or  
17 other names or fictitious names unknown at this time, charged, received and/or collected, or  
18 contracted for advanced fees, in violation of Sections 10085 and 10085.5 of the Code.

19 DESIST AND REFRAIN ORDER

20 Based upon the Findings of Fact and Conclusions of Law stated herein, it is  
21 hereby ordered that, ALEJANDRO "ALEX" MARIO AGUILAR doing business as HISPANIC  
22 FAMILY OF CALIFORNIA, INC., whether doing business under his own name, or any other  
23 names, or any fictitious name, is HEREBY ORDERED to immediately desist and refrain from  
24 performing any acts within the State of California for which a real estate broker license is  
25 required, and in particular is ORDERED TO DESIST AND REFRAIN from:

26 1. charging, demanding, claiming, collecting and/or receiving advance fees, as  
27 that term is defined in Section 10026 of the Code, in any form, and under any condition, with

1 respect to the performance of loan modifications or any other form of mortgage loan forbearance  
2 service in connection with loans on residential property containing four or fewer dwelling units  
3 (Section 10085.6 of the Code);

4 2. charging, demanding, claiming, collecting and/or receiving advance fees, as  
5 that term is defined in Section 10026 of the Code, for any other real estate related services  
6 offered by them to others;

7 3. soliciting purchasers to buy or offer to buy, or negotiate the purchase, sale or  
8 exchange of real property; and,

9 4. soliciting borrowers and/or performing services for borrowers or lenders in  
10 connection with loans secured directly or collaterally by one or more liens on real property.

11  
12 DATED: 12/16/2009

13 JEFF DAVI  
14 Real Estate Commissioner

15  
16 By:

  
17 BARBARA J. BIGBY  
18 Chief Deputy Commissioner

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

23 cc: ALEJANDRO "ALEX" MARIO AGUILAR  
24 dba HISPANIC FAMILY OF CALIFORNIA, INC.  
25 101 Callan Avenue, #204  
26 San Leandro, CA 94577

27 cc: ALEJANDRO "ALEX" MARIO AGUILAR  
28 dba HISPANIC FAMILY OF CALIFORNIA, INC.  
29 3072 Belize Way  
30 Union City, CA 94587

TTY MFC/kc