

1 Department of Real Estate
320 West Fourth Street, Ste. 350
2 Los Angeles, California 90013

3 Telephone: (213) 576-6982

FILED

AUG 28 2009

DEPARTMENT OF REAL ESTATE

BY: 

8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * * *

11 To:) No. H-36208 LA
12)
13 JTL MORTGAGE & REALTY INC.,)
14 and JORGE TALAVERA, indivi-)
15 dually, and as designated)
16 officer for JTL Mortgage &)
17 Realty)
18)
19)
20)
21)
22)
23)
24)
25)
26)
27)

ORDER TO DESIST
AND REFRAIN

(B&P Code Section 10086)

17 The Commissioner ("Commissioner") of the California
18 Department of Real Estate ("Department") caused an investigation
19 to be made of the activities of JTL MORTGAGE & REALTY INC. and
20 JORGE TALAVERA, individually, and as designated officer for JTL
21 Mortgage & Realty Inc. Based on that investigation the
22 Commissioner has determined that JTL MORTGAGE & REALTY INC.
23 ("JTL") and JORGE TALAVERA ("TALAVERA") have employed and/or
24 compensated individuals who were not licensed by the Department
25 to perform activities requiring a real estate license in
26 violation of California Business and Professions Code ("Code")
27

1 Section 10137, and, further, have engaged in or are engaging in
2 the business of claiming, demanding, charging, receiving,
3 collecting or contracting for the collection of an advance fee in
4 connection with employment undertaken to promote the sale or
5 lease of real property or to obtain a loan or loans on real
6 property, including the performance of loan negotiation and loan
7 modification services with respect to loans which are secured by
8 liens on real property, within the meaning of Code Section
9 10131.2. In connection with said activities, the Commissioner has
10 determined that JTL and TALAVERA have engaged in activities which
11 constitute violations of the Code and Title 10, California Code
12 of Regulations ("Regulations"). Based on the investigation, the
13 Commissioner hereby issues the following Findings of Fact,
14 Conclusions of Law, and Desist and Refrain Order under the
15 authority of Section 10086 of the Code.

16
17 FINDINGS OF FACT

18 1. JTL is presently licensed and/or has license rights
19 under the Real Estate Law (Part 1 of Division 4 of the Code) as a
20 corporate real estate broker.

21 2. TALAVERA is presently licensed and/or has license
22 rights under the Real Estate Law as a real estate broker.

23 3. At no time has Jorge Talavera, Jr. ("Talavera,
24 Jr.") been licensed by the Department.

25 4. JTL and TALAVERA engaged in the business of
26 claiming, demanding, charging, receiving, collecting or
27 contracting for the collection of an advance fee, as defined by

1 Code Section 10026, including but not limited to the activities
2 described in Paragraph 5, below.

3 5. On or about November 7, 2008, Talavera, Jr., on
4 behalf of JTL and TALAVERA, contracted for and collected an
5 advance fee of \$1,800 from Sonia Ekerlund pursuant to the
6 provisions of a written agreement pertaining to loan negotiation
7 and modification services to be provided by JTL and TALAVERA with
8 respect to a loan secured by the real property located at 14493
9 Amorose Street, Lake Elsinore, California 92530.

10 6. Talavera, Jr., who contracted for and collected the
11 advance fee on behalf of JTL and TALAVERA described in Paragraph
12 5, above, did so pursuant to the provisions of an agreement
13 titled "JTL Mortgage & Realty, Inc. Client Agreement."

14 7. JTL and TALAVERA failed to submit the advance fee
15 agreement referred to in Paragraphs 5 and 6, above, to the
16 Commissioner ten days before using it.

17 CONCLUSIONS OF LAW

18
19 8. The activities of Talavera, Jr. described in
20 Paragraph 5, above, require a real estate license under the
21 provisions of Code Sections 10130, 10131(d) and 10131.2.

22 9. Based on the information contained in Paragraphs
23 5 and 6, above, JTL and TALAVERA violated Section 10137 of the
24 Code by employing and/or compensating an individual who was not
25 licensed as a real estate salesperson or as a broker to perform
26 activities requiring a real estate license.

10. Based on the information contained in Paragraphs 5 and 6, above, the agreement titled JTL Mortgage & Realty, Inc. Client Agreement constitutes an advance fee agreement within the meaning of Code Section 10085.

11. Based on the information contained in Paragraphs 5, 6 and 7, above, the failure by JTL MORTGAGE and TALAVERA to submit the advance fee agreement to the Commissioner ten days before using it constitutes a violation of Code Section 10085 and Section 2970 of the Regulations.

DESIST AND REFRAIN ORDER

Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW stated herein, it is hereby ordered that JTL MORTGAGE & REALTY INC. and JORGE TALAVERA, individually, and as designated officer for JTL Mortgage & Realty Inc. immediately desist and refrain from:

1. employing or compensating any person for performing any act for which a real estate license is required unless that person is licensed as a real estate broker, or as a real estate salesman licensed under the broker employing or compensating him. In particular, JTL MORTGAGE & REALTY INC. and JORGE TALAVERA are ordered to desist and refrain from:

(i) employing or compensating any person who does not hold a real estate license from soliciting borrowers and/or performing services for borrowers or lenders in connection with loans secured directly or collaterally by one or more liens on real property.

1 2. collecting advance fees, as that term is defined in
2 Section 10026 of the Code, in any form and particularly with
3 respect to loan modification, loan negotiation, loan refinance,
4 principal reduction, foreclosure abatement or short sale
5 services, unless and until JTL MORTGAGE & REALTY INC. and JORGE
6 TALAVERA demonstrate and provide evidence satisfactory that JTL
7 MORTGAGE & REALTY INC. and JORGE TALAVERA have done the
8 following:

9 (i) submitted an advance fee agreement to the
10 Commissioner in compliance with Code Section 10085 and Section
11 2970 of the Regulations; and

12 (ii) are in full compliance with all the requirements
13 of the Code and Regulations relating to charging, collecting and
14 accounting for advance fees.

15
16 DATED: 8-25, 2009.

17
18 JEFF DAVI
19 Real Estate Commissioner
20
21 

22 cc: JTL Mortgage & Realty Inc.
23 12890 Homeridge Lane
24 Chino Hills, California 91709

25 JTL Mortgage & Realty Inc.
26 1047 W. 6th Street, Suite D
27 Corona, California 92882

Jorge Talavera
12890 Homeridge Lane
Chino Hills, California 91709

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

Jorge Talavera
1047 W. 6th Street, Suite, D
Corona, California 92882