

1 Licenses

2 2.

3 From June 7, 2005 through the present, Respondent
4 HECTOR N. DIAZ (Respondent "DIAZ") was licensed and has license
5 rights under the Real Estate Law (Part 1 of Division 4 of the
6 California Business and Professions Code) ("Code") as a real
7 estate broker. From November 23, 2002 through June 6, 2005,
8 Respondent DIAZ was licensed by the Department of Real Estate
9 ("Department") as a real estate salesperson.

10 3.

11 From January 12, 2006 through the present, Respondent
12 THE DIAZ GROUP, INC. (Respondent "DGI") was licensed and has
13 license rights under the Real Estate Law (Part 1 of Division 4
14 of the Code) as a real estate corporation. At all times herein
15 mentioned Respondent DGI was authorized to act by and through
16 Respondent DIAZ as its broker and officer designated pursuant to
17 Code Section 10159.2 to be responsible for ensuring compliance
18 with the Real Estate Law.

19 DBAs

20 4.

21 From June 7, 2005 through the present, Respondent DIAZ
22 has been licensed by the Department to do business as "Object
23 Mortgage" and "Supremacy Realtors".

24 Branch Office

25 5.

26 From November 5, 2008, through April 19, 2010,
27 Respondent DGI was licensed by the Department to maintain a
28 branch office located at 1701 E. Lincoln Avenue, Anaheim,

1 California 92805.

2 6.

3 From March 10, 2009 through October 4, 2009;
4 Respondent DIAZ was licensed by the Department to maintain a
5 branch office at the address located at 1701 E. Lincoln Avenue,
6 Anaheim, California 92805. Respondent DIAZ' dba, Supremacy
7 Realtors, used the address of 1701 E. Lincoln Avenue, Anaheim,
8 California 92805 for real estate transactions in 2008.

9 7.

10 At all times herein relevant, Respondents, for or in
11 expectation of compensation, engaged in the business of, acted
12 in the capacity of, advertised or assumed to act as real estate
13 brokers for others in the State of California within the meaning
14 of Code Section 10131. Respondents solicited prospective
15 sellers or purchasers, negotiated the purchase, sale or exchange
16 of real property, and solicited, performed services for or
17 represented borrowers in negotiating and obtaining mortgage
18 loans.

19 FIRST CAUSE OF ACCUSATION
20 (Unlicensed DBA/Unlicensed Activity)

21 8.

22 American National Group ("ANG") is not now, and has
23 never been, licensed by the Department in any capacity. ANG is
24 a fictitious business name registered to Cavaldi Management,
25 Inc. in Orange County, California. Cesar A. Valdivia is the
26 President and director of Cavaldi Management, Inc.

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1 9.

2 Cesar A. Valdivia ("Valdivia") was licensed by the
3 Department as a real estate salesperson from December 30, 2005
4 to December 29, 2009. Valdivia voluntarily surrendered his real
5 estate salesperson license effective November 15, 2010, in
6 Department Case No. H-36333 LA.

7 10.

8 Marco Antonio Munoz ("Munoz") was licensed by the
9 Department as a real estate salesperson from November 12, 2005
10 through November 15, 2010. Respondent DGI was listed as Munoz'
11 employing broker from June 20, 2008 through June 29, 2009.
12 Munoz engaged in activities requiring a real estate transaction
13 for DIAZ' dba Supremacy Realtors in 2008 and 2009. Munoz
14 voluntarily surrendered his real estate salesperson license
15 effective November 15, 2010, in Department Case No. H-36333 LA.

16 11.

17 Eddy Faijo ("Faijo"), Jaime Amayo aka Jeymi Amayo
18 ("Amayo") and Maria Delgado Nieto aka Mari Nieto ("Nieto") are
19 not now and have never been licensed by the Department in any
20 capacity.

21 12.

22 Whenever reference is made in an allegation in this
23 Accusation to an act or omission of "Respondents", such
24 allegation shall be deemed to mean the act or omission of each
25 of the Respondents named in the caption hereof and ANG,
26 Valdivia, Munoz, Faijo, Amayo and Nieto, acting individually,
27 jointly, and severally.

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1 13.

2 For an unknown period of time, beginning no later than
3 April 2008, and continuing through May 18, 2009, Valdivia,
4 Munoz, Faijo, Amayo, and Respondents DIAZ and DGI advertised
5 short sale and loan modification services under one or more
6 business names including, but not limited to, "ANG", in various
7 print and electronic media, including a website located at
8 <http://www.anghelp.com>. Those advertisements solicited
9 borrowers offering short sale and loan modification services and
10 listed ANG's location as 1701 E. Lincoln Avenue, Anaheim,
11 California 92806, (714) 517-0425, the same as Respondents DIAZ
12 and DGI's branch location.

13 14.

14 During the period of time described above, ANG and
15 Respondents solicited borrowers and negotiated to do one or more
16 of the following acts for another or others, for or in
17 expectation of compensation: negotiate the purchase, sale or
18 exchange of real property; negotiate one or more loans for, or
19 perform services for, borrowers and/or lenders in connection
20 with loans secured directly or collaterally by one or more liens
21 on real property; and charge, demand or collect an advance fee
22 for any of the services offered. Said borrowers included, but
23 were not limited to, the individuals listed below.

24 Patricia Cisneros

25 On November 13, 2008, Eddy Faijo and Jaime Amayo
26 solicited ANG's services to Patricia Cisneros for loan
27 modifications and negotiations. Patricia Cisneros entered into
28

1 a written agreement with ANG for said services. ANG charged
2 Patricia Cisneros an advance fee of \$1,795.

3 Rogelio Gomez

4 On November 13, 2008, Rogelio Gomez entered into a
5 written agreement with ANG for loan modification and negotiation
6 services. Rogelio Gomez paid an advance fee of \$2,250 to ANG.

7 Jorge Montes

8 On November 20, 2008, Jorge Montes entered into a
9 written agreement with ANG for loan modification and negotiation
10 services. Jorge Montes paid an advance fee of \$1,795 to ANG.

11 Pedro Perez

12 On December 1, 2008, Pedro Perez entered into a
13 written agreement with ANG for loan modification and negotiation
14 services. Pedro Perez paid an advance fee of \$1,795 to ANG.

15 Gloria Cruz

16 On December 19, 2008, Maria Delgado Nieto solicited
17 ANG's services to Gloria Cruz for loan modifications and
18 negotiations. Gloria Cruz entered into a written agreement with
19 ANG for loan modification and negotiation services. ANG
20 collected an advance fee from Gloria Cruz for said services.

21 Fidel Moreno

22 On February 16, 2009, Fidel Moreno entered into a
23 written agreement with ANG for loan modification and negotiation
24 services. ANG charged an advance fee of \$2,000 to Fidel Moreno
25 for said services.

26 Maria Candelaria Muratalla

27 On February 24, 2009, Maria Candelaria Muratalla
28 entered into a written agreement with ANG for loan modification

1 and negotiation services. ANG collected an advance fee of
2 \$2,500 from Maria Candelaria Muratalla for said services.

3 Luis Alarcon

4 On March 16, 2009, Luis Alarcon entered into a written
5 agreement with ANG for loan modification and negotiation
6 services. ANG collected an advance fee of \$2,000 from Luis
7 Alarcon for said services.

8 15.

9 Additional examples of borrowers who paid advance fees
10 to ANG for the purpose of providing loan negotiations and
11 modifications include, but are not limited to, the following:

12	Date	Amount	Borrower	Amount
13	Received			Charged or Collected
14	7/24/08		Cecilio Lara	\$1,795
15	8/04/08		Magaly Granados	\$2,800
16				
17	9/09/08		Hector Rocha	\$1,795
18	9/17/08		Juan Carlos Luevano	\$3,795
19	10/7/08		Leticia Medina	\$3,400
20	10/25/08		Pedro Carillo	\$1,800
21				

22 16.

23 On or about April 6, 2009, Respondent DGI submitted an
24 advance fee agreement and accounting format to the Department
25 for approval. On April 20, 2009, the Department issued a "no
26 objection" letter of approval of the advance fee agreement and
27 accounting format submitted by Respondent DGI. Prior to
28

1 April 6, 2009, Respondents did not have an advance fee agreement
2 approved by the Department to charge or collect advance fees
3 within the meaning of Code Sections 10026 and 10085.

4 17.

5 Based on the conduct, acts, and/or omissions as set
6 forth in Paragraphs 4 through 15 above, Respondents used the
7 fictitious business name "ANG" for activities requiring the
8 issuance of a real estate broker license within the meaning of
9 Code Section 10131 without filing an application for the use of
10 such name with the Department as required by the provisions of
11 Code Section 10159.5 and Section 2731(a) of Title 10, Chapter 6,
12 California Code of Regulations, which constitutes grounds to
13 discipline the licenses and/or license rights of Respondents
14 pursuant to Code Sections 10177(d) and/or 10177(g).

15 18.

16 Based on the conduct, acts, and/or omissions as set
17 forth in Paragraphs 4 through 15 above, Respondents while using
18 the fictitious business name "ANG" utilized employees and/or
19 representatives in soliciting and negotiating loans who were not
20 licensed by the Department as real estate brokers or
21 salespersons. Among the unlicensed representatives performing
22 activities requiring a real estate license were Eddy Faijo,
23 Jeymi Amayo and Maria Delgado Nieto which constitutes grounds to
24 discipline the licenses and/or license rights of Respondents
25 pursuant to Code Sections 10177(d) and/or 10177(g).

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cc: Hector N. Diaz
The Diaz Group, Inc.
Robin Trujillo
Sacto.