



1 transactions at issue, Respondent was licensed under the employ  
2 of broker Exclusive Estate Properties Inc. Respondent  
3 performed the transactions at issue independent of his  
4 employing broker.

5 3.

6 Ibanez Unlimited, Inc is not now, nor has it ever  
7 been, licensed by the Department in any capacity. Respondent is  
8 registered with the California Secretary of State as the agent  
9 for service of process for Ibanez Unlimited Inc.

10 4.

11 At all times material herein, Respondent was engaged  
12 in the business of, acted in the capacity of, advertised or  
13 assumed to act as a real estate broker in the State of  
14 California, within the meaning of Code Sections 10131(d) and  
15 10131.2, including soliciting borrowers or performing services  
16 for borrowers, demanding, charging, receiving, collecting or  
17 contracting for the collection of an advance fee, within the  
18 meaning of Code Section 10026, including, but not limited to,  
19 the following activities with respect to loans which were  
20 secured by liens on real property.

21 5.

22 In or about June 2009, Hugo & Mirna V. heard a radio  
23 advertisement in which Respondent offered loan modification  
24 services. On June 4, 2009, Respondent came to the home of  
25 Hugo & Mirna V. to discuss loan modification services offered  
26 by Ibanez Unlimited, Inc. Between August 17, 2009 and October  
27 9, 2009, Hugo & Mirna V. received three receipts of payment for

1 \$1,750 each from Ibanez Unlimited, Inc. These receipts stated  
2 that payment was made to serve "as intermediary between client  
3 and attorney for mitigation purposes against ASC (bank)",  
4 regarding the real property of Hugo & Mirna V.

5 6.

6 The agreements made by Respondent, as described in  
7 Paragraph 5 above, constitute advance fee agreements within the  
8 meaning of Code Section 10026. Respondent failed to submit the  
9 advance fee agreements, described in paragraph 5 above, to the  
10 Commissioner ten days before using them, in violation of Code  
11 Sections 10085 and 10085.5, as well as Section 2970 of Title  
12 10, California Code of Regulations ("Regulations"). This  
13 provides cause for the suspension or revocation of the licenses  
14 and license rights of Respondent pursuant to Code Sections  
15 10085, 10177(d) and/or 10177(g).

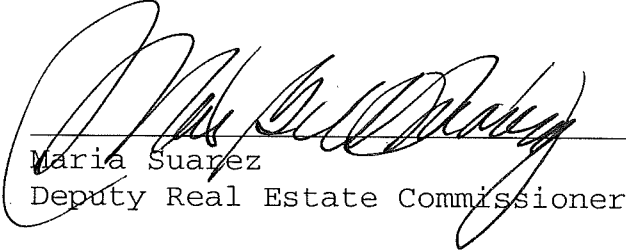
16 7.

17 The activities described in paragraph 5 above may only  
18 be performed under the real estate broker whom Respondent was  
19 licensed at the time of the transaction. These activities are  
20 in violation Code Sections 10130 and 10137 and provide cause for  
21 the suspension or revocation of the licenses and license rights  
22 of Respondent pursuant to Code Sections 10137, 10177(d) and/or  
23 10177(g).

24 ///  
25 ///  
26 ///  
27 ///

1                   WHEREFORE, Complainant prays that a hearing be  
2 conducted on the allegations of this Accusation and that upon  
3 proof thereof, a decision be rendered imposing disciplinary  
4 action against all the licenses and license rights of  
5 Respondent ORLANDO IBANEZ under the Real Estate Law, that  
6 Complainant be awarded its costs of investigation and  
7 prosecution of this case, and for such other and further relief  
8 as may be proper under other applicable provisions of law.

9  
10 Dated at Los Angeles, California  
11 this 4<sup>th</sup> day of April, 2012.

12  
13  
14   
15 Maria Suarez  
16 Deputy Real Estate Commissioner  
17  
18  
19  
20  
21  
22  
23  
24

25 cc: Orlando Ibanez  
26 Victor Hugo Del Carpio  
27 Maria Suarez  
Sacto.