DEPARTMENT OF REAL ESTATE
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FILED

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DEPARTMENT OF REAL ESTATE

By K. Contreras

BEFORE THE

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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TO: ALEJANDRO "ALEX" MARIO AGUILAR, and HISPANIC FAMILY OF CALIFORNIA, INC., a Corporation.	NO. H-10821 SF ORDER TO DESIST AND REFRAIN (B&P Code Section 10086)

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

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

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

FINDINGS OF FACT

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

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

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

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

CONCLUSIONS OF LAW

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

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

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

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

DESIST AND REFRAIN ORDER

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

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

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

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

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

4. 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.

DATED: 12/16/2009

JEFF DAVI
Real Estate Commissioner

By: Barbara J. Bigby
BARBARA J. BIGBY
Chief Deputy Commissioner

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

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