DEPARTMENT OF REAL ESTATE
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FILED
JUN 03 2009
DEPARTMENT OF REAL ESTATE
By Laura B. Brown

STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

To: MICHAEL STANLEY SIMS, dba ADVANTAGE CAPITAL GROUP, and/or any other names or fictitious names used by MICHAEL STANLEY SIMS; and to VICTOR MAGLIO.	NO. H-36019 LA ORDER TO DESIST AND REFRAIN (B&P Code Section 10086)

The Commissioner (Commissioner) of the California Department of Real Estate (Department) caused an investigation to be made of the activities of MICHAEL STANLEY SIMS (SIMS) and VICTOR MAGLIO (MAGLIO). Based on that investigation, the Commissioner has determined that SIMS and MAGLIO have engaged in, are engaging in, or are attempting to engage in, acts or practices constituting violations of the California Business and Professions Code (Code), including violating Code Section 10130 by engaging in 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 Code Section 10131(d) (performing services for borrowers in connection with loans secured by real property). 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 SIMS, those acts are alleged to have been done by SIMS, acting by himself, or by and/or through one or more agents, associates, affiliates, and/or co-conspirators, including, but not limited to MAGLIO, and using the name "Advantage Capital Group", or other names or fictitious names unknown at this time.

FINDINGS OF FACT

1. SIMS is not now, and has never been, licensed by the Department in any capacity. SIMS is registered under the business name "Advantage Capital Group" in the County of Riverside, California.

2. MAGLIO was licensed by the Department as a real estate salesperson on October 18, 2006. On April 19, 2008, his license was placed under conditional suspension for failure to satisfy continuing education requirements under Code Section 10153.4. MAGLIO is not now, and has never been, licensed by the Department as a real estate broker.

3. SIMS and/or MAGLIO solicited borrowers and negotiated to do 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; and charge, demand or collect an advance fee for any of the services offered.

4. SIMS and/or MAGLIO advertised, and continue(s) to advertise, services under one or more business names including, but not limited to, "Advantage Capital Group" in various print and electronic media, including a website located at **http://advantagecapitalgroup.com**. Those advertisements solicited, and continue to solicit, borrowers, offering loan modification services.

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CONCLUSIONS OF LAW

5. Based on the findings of fact contained in paragraphs 1 through 4, SIMS, acting by himself, or by and/or through one or more agents, associates, affiliates, and/or co-conspirators, including, but not limited to MAGLIO, and using the name "Advantage Capital Group", or other names or fictitious names unknown at this time, solicited borrowers to negotiate loans or perform services, in connection with loans secured directly or collaterally by one or more liens on real property. These acts, which require a real estate broker license under Section 10131(d) of the Code, were performed during a period of time when SIMS was not licensed by the Department as a real estate broker, a violation of Code Section 10130.

6. Based on the findings of fact contained in paragraphs 1 through 4, MAGLIO, acting by himself, or by and/or through one or more agents, associates, affiliates, and/or co-conspirators, including, but not limited to SIMS, and using the name "Advantage Capital Group", or other names or fictitious names unknown at this time, solicited borrowers to negotiate loans or perform services, in connection with loans secured directly or collaterally by one or more liens on real property. These acts, which acts require a real estate broker license under Section 10131(d) of the Code, were performed during a period of time when MAGLIO was not licensed by the Department as a real estate broker, a violation of Code Section 10130.

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DESIST AND REFRAIN ORDER

Based on the Findings of Fact and Conclusions of Law stated herein, you, MICHAEL STANLEY SIMS and VICTOR MAGLIO, whether doing business under your own names, or any other names or fictitious names, ARE HEREBY ORDERED to DESIST and REFRAIN from performing any and all acts for which a real estate license is required until such time as you obtain the required license from the Department.

DATED: 5/29, 2009

JEFF DAVI
Real Estate Commissioner

By

BY: 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 punishable by a fine not exceeding twenty thousand dollars ($20,000), or by imprisonment in the county jail for a term not to exceed six months, or by both fine and imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars ($60,000)."

cc: Michael Stanley Sims, dba Advantage Capital Group
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