

7/20/09

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: [Signature]

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DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

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To:	)	No. H-36208 LA
	)	
JTL MORTGAGE & REALTY INC.,	)	
and JORGE TALAVERA, indivi-	)	
dually, and as designated	)	<u>ORDER TO DESIST</u>
officer for JTL Mortgage &	)	<u>AND REFRAIN</u>
Realty	)	(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 JTL MORTGAGE & REALTY INC. and JORGE TALAVERA, individually, and as designated officer for JTL Mortgage & Realty Inc. Based on that investigation the Commissioner has determined that JTL MORTGAGE & REALTY INC. ("JTL") and JORGE TALAVERA ("TALAVERA") have employed and/or compensated individuals who were not licensed by the Department to perform activities requiring a real estate license in violation of California Business and Professions Code ("Code")

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  
18 CONCLUSIONS OF LAW

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.

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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:

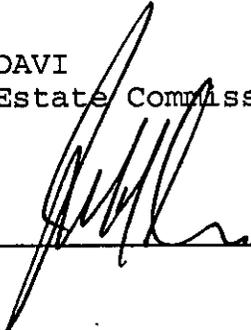
(i) employing or compensating any person who does not hold a real estate license from soliciting borrowers and/or performing services for borrowers or lenders in connection with loans secured directly or collaterally by one or more liens on real property.

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. 6<sup>th</sup> Street, Suite D  
27 Corona, California 92882

Jorge Talavera  
12890 Homeridge Lane  
Chino Hills, California 91709

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