

1 terms, conditions and restrictions imposed under authority of Section 10156.6 of said Code.
2 Among those terms, conditions and restrictions, Respondent was required to: (a) take and pass
3 the Professional Responsibility Examination within six (6) months from the effective date of the
4 Decision; (b) submit satisfactory proof of completion of continuing education requirements
5 within nine (9) months from the effective date of the Decision; and (c) pay costs for the audit(s)
6 which led to the disciplinary action within sixty (60) days of receiving an invoice from the
7 Commissioner for said audit(s). The Commissioner has determined that Respondent has failed to
8 satisfy some of these conditions including, but not limited to, conditions (a) and (b), and as such,
9 is in violation of Section 10177(k) of the Code.

10 NOW, THEREFORE, IT IS ORDERED under authority of Section 10156.7 of the
11 Business and Professions Code of the State of California that the restricted real estate broker
12 license heretofore issued to Respondent and the exercise of any privileges thereunder is hereby
13 suspended until such time as Respondent provides proof satisfactory to the Department of
14 compliance with the condition referred to above, or pending final determination made after
15 hearing (see "Hearing Rights" set forth below).

16 IT IS FURTHER ORDERED that all license certificates and identification cards
17 issued by the Department of Real Estate which are in the possession of Respondent be
18 immediately surrendered by personal delivery or by mailing in the enclosed self-addressed
19 envelope to:

20 Department of Real Estate
21 Attn: Flag Section
22 P. O. Box 187000
23 Sacramento, CA 95818-7000

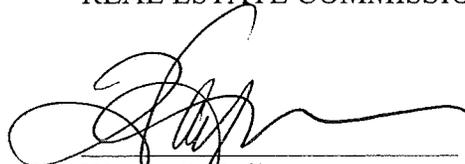
24 HEARING RIGHTS: Pursuant to the provisions of Section 10156.7 of the
25 Business and Professions Code, you have the right to a hearing to contest the Commissioner's
26 determination that you are in violation of Section 10177(k) of the Code. If you desire a hearing,
27 you must submit a written request. The request may be in any form, as long as it is in writing
and indicates that you want a hearing. Unless a written request for a hearing, signed by or on

1 behalf of you, is delivered or mailed to the Department at 320 W. 4th Street, Room 350, Los
2 Angeles, California 90013, within 20 days after the date that this Order was mailed to or served
3 on you, the Department will not be obligated or required to provide you with a hearing.

4 This Order shall be effective immediately.

5 DATED: April 11, 2013.

6
7 REAL ESTATE COMMISSIONER

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10 Wayne S. Bell

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1 Among those terms, conditions and restrictions, Respondent was required to take and pass the
2 Professional Responsibility Examination within six months from the effective date of the
3 Decision. The Commissioner has determined that as of November 11, 2012, Respondent has
4 failed to satisfy this condition, and as such, is in violation of Section 10177(k) of the Code.

5 NOW, THEREFORE, IT IS ORDERED under authority of Section 10156.7 of the
6 Business and Professions Code of the State of California that the restricted real estate broker
7 license heretofore issued to Respondent and the exercise of any privileges thereunder is hereby
8 suspended until such time as Respondent provides proof satisfactory to the Department of
9 compliance with the condition referred to above, or pending final determination made after
10 hearing (see "Hearing Rights" set forth below).

11 IT IS FURTHER ORDERED that all license certificates and identification cards
12 issued by the Department of Real Estate which are in the possession of Respondent be
13 immediately surrendered by personal delivery or by mailing in the enclosed self-addressed
14 envelope to:

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16 Attn: Flag Section
17 P. O. Box 187000
18 Sacramento, CA 95818-7000

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20 Business and Professions Code, you have the right to a hearing to contest the Commissioner's
21 determination that you are in violation of Section 10177(k) of the Code. If you desire a hearing,
22 you must submit a written request. The request may be in any form, as long as it is in writing
23 and indicates that you want a hearing. Unless a written request for a hearing, signed by or on
24 behalf of you, is delivered or mailed to the Department at 320 W. 4th Street, Room 350, Los
25 Angeles, California 90013, within 20 days after the date that this Order was mailed to or served
26 on you, the Department will not be obligated or required to provide you with a hearing.

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This Order shall be effective immediately.

DATED: 1/17, 2013.

Real Estate Commissioner

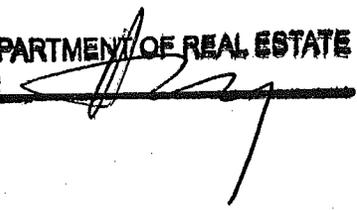
by: 
Awet P. Kidane
Chief Deputy Commissioner

Sachs

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FILED

MAY 11 2012

DEPARTMENT OF REAL ESTATE
BY: 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of)	NO. H-36791 LA
)	
UNIKO HOLDINGS INC., doing business)	L-2010110206
as Uniko Mortgage Services and)	
Uniko Real Estate Service; and)	
LEONEL ACEVES, individually and as)	
designated officer of)	
Uniko Holdings Inc.,)	
)	
)	
Respondents.)	
)	

ORDER NUNC PRO TUNC MODIFYING DECISION

It having been called to the attention of the Real Estate Commissioner that there is an error in the Decision by Stipulation and Agreement dated March 29, 2012, effective May 11, 2012, and good cause appearing therefor, the Stipulation and Agreement is amended as follows:

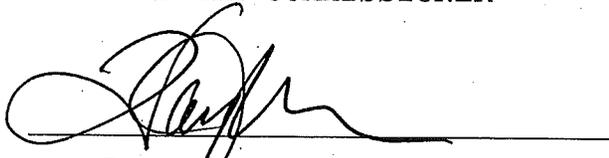
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Page 4, Paragraph II, Line 6, "0177(h)" is amended to read "10177(h)".

This Order, Nunc Pro Tunc to March 29, 2012, effective May 11, 2012, shall become effective immediately.

IT IS SO ORDERED May 6, 2012.

REAL ESTATE COMMISSIONER



By WAYNE S. BELL
Chief Counsel

Santo

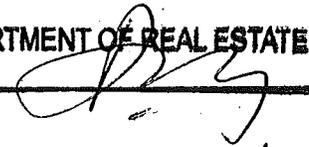
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ELLIOTT MAC LENNAN, Counsel (SBN 66674)
Department of Real Estate
320 W. 4TH Street, Suite 350
Los Angeles, CA 90013-1105

Telephone: (213) 576-6982 (Office)
-or- (213) 576-6911 (Direct)

FILED

APR 11 2012

DEPARTMENT OF REAL ESTATE
BY: 

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of)	No. H-36791 LA
)	L-2010110206
UNIKO HOLDINGS INC.; doing business as)	<u>STIPULATION</u>
Uniko Mortgage Services and)	<u>AND</u>
Uniko Real Estate Service;)	<u>AGREEMENT</u>
and, LEONEL ACEVES, individually)	
and as designated officer of)	
Uniko Holdings Inc.,)	
)	
Respondents.)	

It is hereby stipulated by and between Respondents UNIKO HOLDINGS INC. and LEONEL ACEVES, individually and as designated officer of Uniko Holdings Inc., (sometimes collectively referred to as "Respondents"), and the Complainant, acting by and through Elliott Mac Lennan, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on September 3, 2010, in this matter:

1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondents at a formal hearing on the Accusation, which hearing was to be held in accordance with the provisions of the Administrative Procedure Act ("APA"), shall instead and in place thereof be submitted solely on the basis of the provisions of this Stipulation and Agreement ("Stipulation").

1 2. Respondents have received, read and understand the Statement to Respondent,
2 the Discovery Provisions of the APA and the Accusation filed by the Department of Real Estate
3 in this proceeding.

4 3. Respondents timely filed a Notice of Defense pursuant to Section 11506 of the
5 Government Code for the purpose of requesting a hearing on the allegations in the Accusation.
6 Respondents hereby freely and voluntarily withdraw said Notice of Defense. Respondents
7 acknowledge that they understand that by withdrawing said Notice of Defense they thereby waive
8 their right to require the Commissioner to prove the allegations in the Accusation at a contested
9 hearing held in accordance with the provisions of the APA and that they will waive other rights
10 afforded to them in connection with the hearing such as the right to present evidence in their
11 defense the right to cross-examine witnesses.

12 4. This Stipulation is based on the factual allegations contained in the Accusation.
13 In the interest of expedience and economy, Respondents choose not to contest these allegations,
14 but to remain silent and understand that, as a result thereof, these factual allegations, without
15 being admitted or denied, will serve as a prima facie basis for the disciplinary action stipulated to
16 herein. The Real Estate Commissioner shall not be required to provide further evidence to prove
17 said factual allegations.

18 5. This Stipulation is made for the purpose of reaching an agreed disposition of
19 this proceeding and is expressly limited to this proceeding and any other proceeding or case in
20 which the Department of Real Estate ("Department"), or another licensing agency of this state,
21 another state or if the federal government is involved, and otherwise shall not be admissible in
22 any other criminal or civil proceeding.

23 6. It is understood by the parties that the Real Estate Commissioner may adopt
24 this Stipulation as his Decision in this matter thereby imposing the penalty and sanctions on
25 Respondents' real estate licenses and license rights as set forth in the below "Order". In the event
26 that the Commissioner in his discretion does not adopt the Stipulation, the Stipulation shall be
27 void and of no effect and Respondents shall retain the right to a hearing and proceeding on the

1 Accusation under the provisions of the APA and shall not be bound by any stipulation or waiver
2 made herein.

3 7. The Order or any subsequent Order of the Real Estate Commissioner made
4 pursuant to this Stipulation shall not constitute an estoppel, merger or bar to any further
5 administrative or civil proceedings by the Department of Real Estate with respect to any matters
6 which were not specifically alleged to be causes for accusation in this proceeding.

7 8. Respondents understand that by agreeing to this Stipulation, Respondents agree
8 to pay, pursuant to Business and Professions Code Section 10148, the cost of the audit which led
9 to this disciplinary action. The amount of said cost is \$6,598.10.

10 9. Respondents have received, read, and understand the "Notice Concerning
11 Costs of Subsequent Audit". Respondents further understand that by agreeing to this Stipulation,
12 the findings set forth below in the Determination of Issues become final, and the Commissioner
13 may charge Respondents for the cost of any subsequent audit conducted pursuant to Business and
14 Professions Code Section 10148 to determine if the violations have been corrected. The
15 maximum cost of the subsequent audit will not exceed \$6,598.10.

16 DETERMINATION OF ISSUES

17 By reason of the foregoing, it is stipulated and agreed that the following
18 determination of issues shall be made:

19 I.

20 The conduct of UNIKO HOLDINGS INC. as described in Paragraph 4, above, is
21 in violation of Sections 10085, 10145, 10146 and 10176(e) of the Business and Professions Code
22 ("Code") and Sections 2831, 2831.1, 2831.2, 2970 and 2972 of Title 10, Chapter 6 of the
23 California Code of Regulations ("Regulations") and is a basis for the suspension or revocation of
24 Respondent's license and license rights as a violation of the Real Estate Law pursuant to Code
25 Sections 10177(d).

26 ///

27 ///

1 II.

2 The conduct of LEONEL ACEVES, as described in Paragraph 4, above,
3 constitutes a failure to keep Uniko Holdings Inc. in compliance with the Real Estate Law during
4 the time that he was the officer designated by a corporate broker licensee in violation of Section
5 10159.2 of the Code. This conduct is a basis for the suspension or revocation of Respondent's
6 license pursuant to Code Sections 10177(d), 10177(g) and 0177(h).

7 ORDER

8 WHEREFORE, THE FOLLOWING ORDER is hereby made:

9 I.

10 All licenses and licensing rights of Respondents UNIKO HOLDINGS INC. and
11 LEONEL ACEVES, under the Real Estate Law are revoked; provided, however, restricted real
12 estate broker licenses shall be issued to said Respondents, pursuant to Section 10156.5 of the
13 Business and Professions Code if Respondents:

14 (A) Make application thereof and pays to the Department of Real Estate the
15 appropriate fee for the restricted license within ninety (90) days from the effective date of this
16 Decision.

17 (B) Provide, prior to the issuance of any restricted license, evidence satisfactory to
18 the Commissioner that the trust fund deficit set forth in the Accusation in audit report
19 SD080041/SD080050, in amount of \$11,176.03, as of April 30, 2009, has been cured, including
20 the identity of the source of funds used to cure them.

21 (C) Respondent LEONEL ACEVES shall, prior to and as a condition of the
22 issuance of the restricted license, submit proof satisfactory to the Commissioner of having taken
23 and successfully completed the continuing education course on trust fund accounting and
24 handling specified in paragraph (3) of subdivision (a) of Section 10170.5 of the Business and
25 Professions Code. Proof of satisfaction of this requirement includes evidence that Respondent
26 has successfully completed the trust fund account and handling continuing education course
27 within 120 days prior to the effective date of the Decision in this matter.

1 The restricted licenses issued to Respondents shall be subject to all of the
2 provisions of Section 10156.7 of the Business and Professions Code and to the followings
3 limitations, conditions and restrictions imposed under authority of Section 10156.6 of that Code:

4 1. The restricted license issued to Respondents may be suspended prior to hearing
5 by Order of the Real Estate Commissioner in the event of a Respondent's conviction or plea of
6 nolo contendere to a crime which is substantially related to a Respondent's fitness or capacity as a
7 real estate licensee.

8 2. The restricted licenses issued to Respondents may be suspended prior to
9 hearing by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner
10 that a Respondent has violated provisions of the California Real Estate Law, the Subdivided
11 Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted
12 license.

13 3. Respondents shall not be eligible to apply for the issuance of an unrestricted
14 real estate license nor for the removal of any of the conditions, limitations or restrictions of a
15 restricted license until two (2) years have elapsed from the effective date of this Decision.

16 4. Respondent LEONEL ACEVES shall within six (6) months from the effective
17 date of the restricted license, take and pass the Professional Responsibility Examination
18 administered by the Department including the payment of the appropriate examination fee. If
19 Respondent fails to satisfy this condition, the Commissioner may order suspension of the
20 restricted license until respondent passes the examination.

21 5. Respondent LEONEL ACEVES shall, within nine (9) months from the
22 effective date of this Decision, present evidence satisfactory to the Real Estate Commissioner
23 that Respondent has, since the most recent issuance of an original or renewal real estate license,
24 taken and successfully completed the continuing education requirements of Article 2.5 of
25 Chapter 3 of the Real Estate Law for renewal of a real estate license. If Respondent fails to
26 satisfy this condition, the Commissioner may order the suspension of his license until the
27 Respondent presents such evidence. The Commissioner shall afford Respondent the opportunity

1 for a hearing pursuant to the Administrative Procedure Act to present such evidence.

2 6. During the time Respondent LEONEL ACEVES is licensed as a restricted real
3 estate broker, Respondent shall not serve as the designated broker at any corporate real estate
4 broker unless and until Respondent is the sole owner of record of the shares of the licensed real
5 estate corporation.

6 III.

7 Pursuant to Section 10148 of the Business and Professions Code, Respondents
8 shall pay the Commissioner's reasonable cost for (a) the audits which led to this disciplinary
9 action and (b) a subsequent audits to determine if Respondents UNIKO HOLDINGS INC. and
10 LEONEL ACEVES are now in compliance with the Real Estate Law. The cost of the audit
11 which led to this disciplinary action is \$6,598.10. In calculating the amount of the
12 Commissioner's reasonable cost, the Commissioner may use the estimated average hourly salary
13 for all persons performing audits of real estate brokers, and shall include an allocation for travel
14 time to and from the auditor's place of work. Said amount for the prior and subsequent audits
15 shall not exceed \$13,196.20. Respondents are jointly and severally liable for the cost of the
16 audits.

17 Respondents shall pay such cost within 60 days of receiving an invoice from the
18 Commissioner detailing the activities performed during the audit and the amount of time spent
19 performing those activities.

20 The Commissioner may suspend the license of Respondents pending a hearing
21 held in accordance with Section 11500, et seq., of the Government Code, if payment is not timely
22 made as provided for herein, or as provided for in a subsequent agreement between the
23 Respondents and the Commissioner. The suspension shall remain in effect until payment is
24 made in full or until a Respondent enters into an agreement satisfactory to the Commissioner to
25 provide for payment, or until a decision providing otherwise is adopted following a hearing held
26 pursuant to this condition.

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DATED: 3-7-12

EL
ELLIOTT MAC LENNAN, Counsel for
the Department of Real Estate

EXECUTION OF THE STIPULATION

We have read the Stipulation. Its terms are understood by us and are agreeable and acceptable to us. We understand that we are waiving rights given to us by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509 and 11513 of the Government Code), and we willingly, intelligently and voluntarily waive those rights, including the right of requiring the Commissioner to prove the allegations in the Accusation at a hearing at which we would have the right to cross-examine witnesses against us and to present evidence in defense and mitigation of the charges.

FACSIMILE

Respondents can signify acceptance and approval of the terms and conditions of this Stipulation by faxing a copy of its signature page, as actually signed by Respondents, to the Department at the following facsimile number: Elliott Mac Lennan at (213) 576-6917. Respondents agree, acknowledge and understand that by electronically sending to the Department a fax copy of Respondents' actual signature as they appear on the Stipulation, that receipt of the faxed copy by the Department shall be as binding on Respondents as if the Department had received the original signed Stipulation.

DATED: 3/7/12

Leonel Aceves
UNIKO HOLDINGS INC.,
BY: LEONEL ACEVES,
Respondent

DATED: 3/7/12

Leonel Aceves
LEONEL ACEVES, individually and as designated
officer of Uniko Holdings Inc., Respondent

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The foregoing Stipulation and Agreement is hereby adopted as my Decision as to Respondents UNIKO HOLDINGS INC. and LEONEL ACEVES, individually and as designated officer of Uniko Holdings Inc. and shall become effective at 12 o'clock noon on May 11, 2012.

IT IS SO ORDERED March 29, 2012.

Real Estate Commissioner


By WAYNE S. BELL
Chief Counsel

1 ELLIOTT MAC LENNAN, SBN 66674
Department of Real Estate
2 320 West 4th Street, Ste. 350
3 Los Angeles, California 90013-1105

4 Telephone: (213) 576-6911 (direct)
-or- (213) 576-6982 (office)

FILED

SEP - 3 2010

DEPARTMENT OF REAL ESTATE
BY: [Signature]

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)

No. H- 36791 LA

12 UNIKO HOLDING INC. doing business as)
13 Uniko Mortgage Services and)
14 Uniko Real Estate Service;)
and LEONEL ACEVES, individually)
15 and as designated officer of)
Uniko Holding Inc.,)

A C C U S A T I O N

16 Respondents.)
17)

18 The Complainant, Joey Aiu, a Deputy Real Estate
19 Commissioner of the State of California, for cause of Accusation
20 against UNIKO HOLDING INC. dba Uniko Mortgage Services and Uniko
21 Real Estate Service, and LEONEL ACEVES, individually and as
22 designated officer of Uniko Holding Inc., alleges as follows:

23 ///

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1.

1 The Complainant, Joey Aiu, acting in his official
2 capacity as a Deputy Real Estate Commissioner of the State of
3 California, makes this Accusation against UNIKO HOLDING INC.
4 (UHI) and LEONEL ACEVES (ACEVES).
5

2.

6 All references to the "Code" are to the California
7 Business and Professions Code and all references to "Regulations"
8 are to Title 10, Chapter 6, California Code of Regulations.
9

10 License

3.

11 At all times mentioned, UHI was licensed or had license
12 rights issued by the Department of Real Estate (Department) as a
13 corporate real estate broker by and through real estate broker
14 LEONEL ACEVES (ACEVES).
15

16 Brokerage

4.

17 At all times mentioned, in the Corona, County of
18 Riverside, UHI and ACEVES engaged in the business of real estate
19 brokers conducting licensed activities within the meaning of:
20

21 A. 10131(a). Respondents, dba Uniko Real Estate
22 Service, engaged in the business of, acted in the capacity of,
23 advertised or assumed to act as a real estate broker, including
24 the solicitation for listings of and the negotiation of the sale
25 of real property as the agent of others.
26
27

1 B. Code Sections 10131(d) and 10131.2. Respondent's
2 engaged in operating a mortgage loan, advanced fee and loan
3 modification service brokerage dba Uniko Mortgage Services. For
4 compensation or in expectation of compensation and for fees often
5 collected in advance.

6 Respondents advertised, solicited and offered to
7 provide loan modification services to economically distressed
8 homeowners seeking adjustments to the terms and conditions of
9 their home loans including, but not limited to, repayment plans,
10 forbearance plans, partial claims, and reduction in principal or
11 interest, foreclosure prevention and short sales.

12 Audit

13 5.

14 On September 3, 2009, the Department completed an audit
15 examination of the books and records of UHI pertaining to the
16 residential resales and mortgage loan brokerage activities
17 described in Paragraph 4, which require a real estate license.
18 The audit examination covered a period of time beginning on May
19 1, 2006 to April 30, 2009. The audit examination revealed
20 violations of the Code and the Regulations as set forth in the
21 following paragraphs, and more fully discussed in Audit Report SD
22 080041 and LA 080050 and the exhibits and work papers attached to
23 said audit report.
24

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Bank and Trust Accounts

6.

At all times mentioned, in connection with the activities described in Paragraph 4, above, UHI accepted or received funds including funds in trust (hereinafter "trust funds") from or on behalf of actual or prospective parties, including economically distressed homeowner-borrowers for advance fees and loan modifications handled by UHI. Thereafter UHI made deposits and or disbursements of such trust funds. From time to time herein mentioned during the audit period, said trust funds were deposited and/or maintained by UHI in these bank accounts as UHI did not maintain a trust accounts during the audit period:

"Uniko Holding Inc.
Account No. 0249-75260
Bank of America
San Francisco, California

(B/A #1 - general business account used for deposit of advance fees collected from homeowners for loan modifications)

"Uniko Holding Inc.
Account No. 00709-40546
Bank of America
San Francisco, California

(B/A #2 - general business account used for deposit of advance fees collected from homeowners for loan modifications)

"Uniko Holding Inc.
Account No. 024425-71127
Bank of America
San Francisco, California

(B/A #3 - general business account used for deposit of advance fees collected from homeowners for loan modifications)

Violations

7.

In the course of activities described in Paragraphs 4 and 6, above, and during the examination period described in Paragraph 5, Respondents UHI and ACEVES, acted in violation of the Code and the Regulations in that Respondents:

(a) Permitted, allowed or caused the disbursement of trust funds from UHI bank account B/A #2, where the disbursement of funds reduced the total of aggregate funds in B/A #2, to an amount which, on April 30, 2009, was \$11,176.03, less than the existing aggregate trust fund liability to every homeowner-borrower who was an owner of said funds, without first obtaining the prior written consent of the owners of said funds, in violation of Code Section 10145 and Regulation 2832.1.

(b) (1) Mixed and commingled trust funds and personal funds by depositing trust funds in the form of advance fees solicited from homeowner-borrowers for loan modification services into UHI's general operating account, in violation of Code Sections 10145, 10176(e) and/or 10177(g) and Regulation 2832; and

(b) (2) Converted trust funds and personal funds by depositing trust funds in the form of advance fees solicited from homeowner-borrowers for loan modification services into UHI's general operating account, in violation of Code Sections 10145, 10176(i) and/or 10177(j) and 10177(g). UHI reduced the amount in

1 UHI's general account to an amount less than the amount of the
2 trust funds deposited constituting conversion.

3 (c) Failed to maintain an and accurate and complete
4 control record in chronological order for each beneficiary or
5 transaction, thereby failing to account for all advance fees
6 collected in connection with loan modification services, in
7 violation of Code Section 10145 and Regulation 2831.

8 (d)(1) Misrepresented to sellers that UHI held earnest
9 money deposit for homeowner-borrowers Leopoldo Lopez, Jesus Luna,
10 Rosario Ballondano and Osbaldo Castellanos, in violation of Code
11 Section 10176(a); and

12 (d)(2) Failed to place trust funds, including credit
13 report and appraisal fees, accepted on behalf of another into the
14 hands of the owner of the funds, a neutral escrow depository or
15 into a trust fund account in the name of the trustee at a bank or
16 other financial institution not later than three business days
17 following receipt of the funds by the broker or by the broker's
18 salesperson, in violation of Code Section 10145 and Regulation
19 2832(d). UHI did not pay credit report fees to the credit report
20 company prior to the close of escrow for borrowers Gregoria
21 Navarro and Roberto Lujan.

22 (e) Failed to maintain a separate record for each
23 beneficiary or transaction, thereby failing to account for all
24 advance fees collected for loan modification services, in
25 violation of Code Section 10145 and Regulation 2831.1.
26

27

1 (f) Failed to perform a monthly reconciliation of the
2 balance of all separate beneficiary or transaction records
3 maintained pursuant to Regulation 2831.1 with the record of all
4 trust funds received and disbursed by the bank accounts that
5 contain trust funds in the form of advance fees for loan
6 modification services, in violation of Code Section 10145 and
7 Regulations 2831.2, 2950(d) and 2951.

8 (g) Failed to establish and maintain a trust account at
9 a bank or other recognized financial institution in the name of
10 the broker for deposit of advance fees collected by UHI, in
11 violation of Code Section 10146.

12 (h) Collected advance fees within the meaning of Code
13 Section 10026 from homeowners seeking loan modification services
14 wherein UHI failed to provide homeowner-borrowers James Vacca,
15 Jaime Hernandez, Carolina Coterio and William Miller, a pre-
16 approved advance fee agreement from the Department in the form of
17 a no objection letter, in violation of Code Section 10085 and
18 Regulation 2970.

19 (i) With reference to the lack of an advance fee
20 agreement, UHI and ACEVES, failed to provide a complete
21 description of services to be rendered provided to each
22 homeowner-borrower in 10 point type font and, an allocation and
23 disbursement of the amount collected as the advance fee for each
24 loan modification, in violation of Code Section 10146 and
25 Regulation 2972.
26
27

Disciplinary Statutes

8.

The conduct of Respondents UHI and ACEVES described in Paragraph 7, above, violated the Code and the Regulations as set forth below:

PARAGRAPH	PROVISIONS VIOLATED
7(a)	Code Section 10145 and 2832.1
7(b)	Code Sections 10145, 10176(e), 10176(i) and/or 10177(j) and 10177(g) and Regulation 2831
7(c)	Code Sections 10145 and Regulation 2831
7(d)	Code Sections 10145 and 10176(a) and Regulation 2832
7(e)	Code Section 10145 and Regulation 2831.1
7(f)	Code Section 10145 and Regulation 2831.2
7(g)	Code Section 10146
7(h)	Code Section 10085.8 and Regulation 2970
7(i)	Code Section 10146 and Regulation 2972

1 The foregoing violations constitutes cause for the suspension or
2 revocation of the real estate license and license rights of UHI
3 and ACEVES, as aforesaid, under the provisions of Code Sections
4 [10176(e) for commingling], 10176(i) and/or 10177(j) for
5 conversion, 10177(d) for violation of the Real Estate Law and/or
6 10177(g) for negligence.

7 9.

8 The overall conduct of Respondents UHI and ACEVES
9 constitutes negligence. This conduct and violation are cause for
10 the suspension or revocation of the real estate license and
11 license rights of said Respondents pursuant to the provisions of
12 Code Section 10177(g).

13 10.

14 The overall conduct of Respondents UHI and ACEVES
15 constitutes a breach of fiduciary duty. This conduct and
16 violation are cause for the suspension or revocation of the real
17 estate license and license rights of said Respondents pursuant to
18 the provisions of Code Sections 10176(i) and/or 10177(g).

19 11.

20 The overall conduct of Respondent ACEVES constitutes a
21 failure on Respondent's part, as officer designated by a
22 corporate broker licensee, to exercise the reasonable supervision
23 and control over the licensed activities of UHI, as required by
24 Code Sections 10159.2 and 10211, and to keep UHI in compliance
25 with the Real Estate Law, with specific regard to loan
26

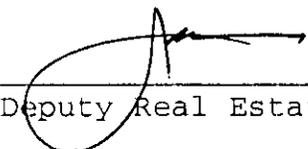
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1 modifications services and advance fee handling, requiring a real
2 estate license and is cause for the suspension or revocation of
3 the real estate license and license rights of UHI and ACEVES
4 pursuant to the provisions of Code Sections 10177(d), 10177(g)
5 and 10177(h).

6 WHEREFORE, Complainant prays that a hearing be
7 conducted on the allegations of this Accusation and that upon
8 proof thereof, a decision be rendered imposing disciplinary
9 action against the license and license rights of Respondents
10 UNIKO HOLDING INC. and LEONEL ACEVES, under the Real Estate Law
11 (Part 1 of vision 4 of the Business and Professions Code) and for
12 such other and further relief as may be proper under other
13 applicable provisions of law.

14 Dated at Los Angeles, California

15 this *24th* August 2010.

16 
17 Deputy Real Estate Commissioner

18
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21
22
23 cc: Uniko Holding Inc.
24 c/o Leonel Aceves D.O.
25 Joey Aiu
26 Sacto
27 Jesse Hafen
Audits - Darryl Thomas