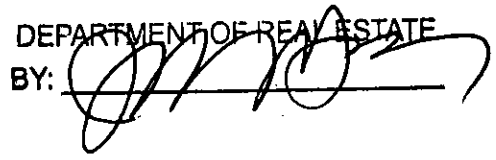
FILED

BEFORE THE DEPARTMENT OF REAL ESTATE SEP 02 2011

STATE OF CALIFORNIA DEPARTMENT OF REAL ESTATE

BY: 

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In the Matter of the Accusation of **WALTER L. DOMINGUEZ** and ALLAN ORAROLA, Respondents.	)	No. H-36959 LA

DECISION

This Decision is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on June 15, 2011, and the findings of fact set forth herein are based on one or more of the following: (1) Respondent's express admissions; (2) affidavits; and (3) other evidence.

This Decision revokes a real estate license on grounds of operating an unlicensed entity and participating in unlicensed activities.

The right to reinstatement of a revoked real estate license or to the reduction of a suspension is controlled by Section 11522 of the Government Code. A copy of Section 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of Respondents.

FINDINGS OF FACT

I

On December 2, 2010, Maria Suarez made the Accusation in her official capacity as a Deputy Real Estate Commissioner of the State of California. The Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified mail, to Respondent WALTER L. DOMINGUEZ' ("Respondent")

last known mailing addresses on file with the Department on December 7, 2010. The Accusation, Statement to Respondent, and Notice of Defense were mailed, by regular mail, to Respondents' last known mailing addresses on file with the Department on January 12, 2011.

On August 3, 2011, no Notice of Defense having been filed herein within the time prescribed by Section 11506 of the Government code, Respondent's default was entered herein.

II

Respondent DOMINGUEZ is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code (hereinafter "Code") as a real estate salesperson.

III

Respondent was operating Doctores Financieros, which is not now and has never been licensed by the Department in any capacity. Respondent engaged in activities requiring a real estate license pursuant to Code Section 10131 and 10131.2. When he was not employed by a licensed real estate broker, on or about January 17, 2009, Respondent offered loan negotiations for an advanced fee of $2,500 to Carlos and Patricia Garcia.

DETERMINATION OF ISSUES

I

Cause for disciplinary action against Respondent exists pursuant to Business and Professions Code Sections 10085, 10130, 10177(d) and 10177(g).

II

The standard of proof applied was clear and convincing proof to a reasonable certainty.

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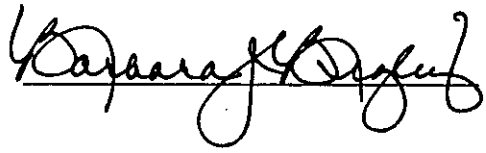
ORDER

The licenses and license rights of Respondent WALTER L. DOMINGUEZ under the provisions of Part I of Division 4 of the Business and Professions Code are revoked.

This Decision shall become effective at 12 o'clock noon SEP 22 2011.

DATED: 8/25/11.

BARBARA J. BIGBY
Acting Real Estate Commissioner



Department of Real Estate
320 West Fourth Street, Suite 350
Los Angeles, California 90013-1105
(213) 576-6982

FILED

AUG 03 2011

DEPARTMENT OF REAL ESTATE
BY: [signature]

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of WALTER L. DOMINGUEZ and ALLAN OTAROLA, Respondent(s).	NO. H-36959 LA DEFAULT ORDER

Respondents, WALTER L. DOMINGUEZ, having failed to file a Notice of Defense within the time required by Section 11506 of the Government Code, is now in default. It is, therefore, ordered that a default be entered on the record in this matter.

IT IS SO ORDERED August 3, 2011

Barbara J. Bigby
Acting Real Estate Commissioner

Dolores Weeks

By: Dolores Weeks
Regional Manager

FILED

AUG 02 2011

DEPARTMENT OF REAL ESTATE

BY: _____

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of WALTER L. DOMINGUEZ and ALLAN OTAROLA, Respondents.	No. H-36959 LA

DISMISSAL

Respondent OTAROLA was licensed as a conditional real estate salesperson on June 7, 2007. On June 6, 2011, Respondent OTAROLA's license expired without renewal rights, pursuant to Business and Professions Code Section 10153.4.

The Accusation herein filed on December 7, 2010, against Respondent, ALLAN OTAROLA, is DISMISSED.

IT IS SO ORDERED this 28th day of July, 2011.

Barbara J. Bigby
Acting Real Estate Commissioner

_____

JULIE L. TO, State Bar No. 219482
Department of Real Estate
320 West Fourth Street, Ste. 350
Los Angeles, California 90013

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(Direct) (213) 576-6916

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DEPARTMENT OF REAL ESTATE
BY: _____

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation

No. H-36959 LA

WALTER L. DOMINGUEZ and
ALLAN OTAROLA,

Respondents.

A C C U S A T I O N

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against WALTER L. DOMINGUEZ ("DOMINGUEZ") and ALLAN OTAROLA ("OTAROLA") is informed and alleges as follows:

1.

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, makes this Accusation in her official capacity.

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Licensees

2.

Respondent DOMINGUEZ is presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code, hereinafter "Code"), as a real estate salesperson. Respondent DOMINGUEZ was first licensed as a real estate salesperson on June 26, 1991. Respondent's license expired on February 5, 2010. Respondent DOMINGUEZ has renewal rights under Code Section 10201. The Department of Real Estate("Department") retains jurisdiction pursuant to Code Section 10103. Respondent DOMINGUEZ presently has no listed employing broker. At the time of the transaction, Respondent DOMINGUEZ listed REC Universal Executive Group as his employing broker.

3.

Respondent OTAROLA is presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code, hereinafter "Code"), as a conditional real estate salesperson. Respondent OTAROLA was first licensed as a real estate salesperson on June 7, 2007. Respondent OTAROLA's conditional salesperson license required proof of completion of the educational requirements pursuant to Section 10153.4 of the Code. Because Respondent OTAROLA failed to provide such proof, his license was conditionally suspended on December 8, 2008. Respondent's license will expire on June 6, 2011 without renewal rights if Respondent OTAROLA fails to

complete the required educational courses. The Department of Real Estate("Department") retains jurisdiction over a lapsed license pursuant to Code Section 10103. Respondent OTAROLA has no listed employing broker.

Unlicensed Entity

4.

Doctores Financieros ("DF") is not now, and has never been, licensed by the Department in any capacity. DF is not a registered corporation incorporated under the laws of the State of California. Two Fictitious Business Name Statements were filed with the County of San Bernardino Auditor-Controllers Office under the name DF on September 15, 2008 and October 21, 2008. The certificate filed September 15, 2008 (Certificate No. 20080013110, expiration September 15, 2013) lists DF as a limited partnership owned by Respondent OTAROLA and Genoveva Dominguez ("G. Dominguez"). The certificate filed October 21, 2008 (Certificate No. 20080014817, expiration October 21, 2013) lists DF as an individual business owned by Respondent OTAROLA.

Unlicensed Activity: Carlos and Patricia G. Transaction

5.

At all times mentioned herein, in the State of California, Respondents DOMINGUEZ and OTAROLA engaged in the performance of activities requiring a real estate license pursuant to Code Section 10131 and 10131.2. Said activities

require that they be employed by a real estate broker and that they be acting under the supervision and control of a real estate broker to whom they are licensed. Respondents DOMINGUEZ and OTAROLA's acts set forth below were carried out without the knowledge and supervision of any listed employing brokers. Respondents DOMINGUEZ and OTAROLA engaged in the business of claiming, demanding, charging, receiving, collecting or contracting for the collection of advance fees, within the meaning of Code Section 10026, including, but not limited to, the following loan activities with respect to loans which were secured by liens on real property:

a. On or about January 17, 2009, Respondent DOMINGUEZ went to Carlos and Patricia Garcia's (hereinafter "Garcias" or "the Garcias") house in San Bernardino offering loan negotiation and modification services for an advance fee of $2,500.00.

b. On or about January 31, 2009, the Garcias gave Respondent DOMINGUEZ two post-dated checks totaling $2,257.00. Check No. 1607 was dated January 31, 2009, and payable in the amount $2,000.00 to "Doctores Financieros." Check No. 1608 was dated February 14, 2009 and payable in the amount $257.00 to "Doctores Financieros." The advance fee was collected pursuant to an agreement pertaining to loan solicitation, negotiation, and modification services to be provided by Respondent DOMINGUEZ with respect to a loan secured by the real property located at 26079 Cypress Street, San Bernardino, California 92410.

c. Neither REC Universal Executive Group nor the trust fund for REC Universal Executive Group received any funds collected by DOMINGUEZ from the Garcias.

d. Four months passed and the Garcias did not hear from Respondent DOMINGUEZ. Respondent DOMINGUEZ neither returned phone calls nor returned to the Garcias' home. Carlos and Patricia G. contacted their mortgage lender and learned there was no loan negotiation and modification company working on their case. The lender attempted to communicate with Respondent DOMINGUEZ but never received any return letters or phone calls from Respondent.

6.

Respondent DOMINGUEZ collected the advance fees described in Paragraph 5, above, pursuant to the provisions of a written agreement which constitutes an advance fee agreement within the meaning of Code Section 10085.

7.

Respondent DOMINGUEZ failed to submit the written agreement referenced in Paragraph 5, above, to the Commissioner ten days before using it in violation of Code Section 10085 and Section 2970, Title 10, Chapter 6, Code of Regulations ("Regulations").

8.

Based on the conduct, acts and/or omissions as set forth in Paragraph 5, Respondent DOMINGUEZ, acting by himself, or by and/or through one ore more agents, representatives,

associates, and/or co-conspirators, including but not limited to, Respondent OTAROLA, and unlicensed individual, Genoveva Dominguez, while using the name "Doctores Financieros," or other names or fictitious names unknown at this time, solicited borrowers and 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, and charged, demanded or collected advance fees for the services to be provided, which acts require a real estate broker license under Sections 10131(d) and 10131.2 of the Code, during a period of time when Respondents DOMINGUEZ and OTAROLA were not licensed by the Department as real estate brokers, in violation of Section 10130 of the Code.

9.

The conduct, acts and/or omissions of Respondent DOMINGUEZ, as set forth above, are cause for the suspension or revocation of the licenses and license rights of Respondent DOMINGUEZ pursuant to Code Sections 10085, 10130, 10177(d) and/or 10177(g).

10.

The conduct, acts and/or omissions of Respondent OTAROLA, as set forth above, are cause for the suspension or revocation of the licenses and license rights of Respondent OTAROLA pursuant to Code Sections 10085, 10130, 10177(d) and/or 10177(g).

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WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against all the licenses and license rights of Respondent WALTER L. DOMINGUEZ and ALLAN OTAROLA under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code), and for such other and further relief as may be proper under other applicable provisions of law.

Dated at Los Angeles, California
this 2nd day of December, 2010.

Maria Suarez
Deputy Real Estate Commissioner

cc: WALTER L. DOMINGUEZ
ALLAN OTAROLA
Maria Suarez
Sacto.