

FILED

BEFORE THE BUREAU OF REAL ESTATE

JAN 23 2014

STATE OF CALIFORNIA

BUREAU OF REAL ESTATE

By *[Signature]*

In the Matter of the First Amended)	CalBRE No. H-38161 LA
Accusation of)	
)	OAH No. 2013010735
ALEX JOSE CAMACHO,)	
)	
)	
Respondent.)	
_____)	

DECISION

The Proposed Decision dated January 6, 2014, of the Administrative Law Judge Glynda B. Gomez of the Office of Administrative Hearings, is hereby adopted as the Decision of the Real Estate Commissioner in the above-entitled matter.

Pursuant to Section 11517(c)(2) of the Government Code, the following corrections are made to the Proposed Decision:

1. Page 3, Paragraph numbered 4, line 1, Code section 10131, "subdivision (a)" is corrected by interlineation to "subdivision (d)."
2. Page 4, Paragraph number 10, line 2, Code section 10131, "subdivision (a)" is corrected by interlineation to "subdivision (d)."
- 3.

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 respondent.

This Decision shall become effective at 12 o'clock noon on FEB 13 2014.

IT IS SO ORDERED JAN 22 2014

REAL ESTATE COMMISSIONER

[Signature]

BEFORE THE
BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the First Amended
Accusation against:

ALEX JOSE CAMACHO,
Respondent.

Case No. H-38161 LA

OAH No. 2013010735

PROPOSED DECISION

Glynda B. Gomez, Administrative Law Judge, Office of Administrative Hearings, heard this matter on December 5, 2013, in Los Angeles, California. Lisette Garcia, Real Estate Counsel, represented Complainant Robin Trujillo, Deputy Real Estate Commissioner (Complainant). Respondent Alex Jose Camacho (Respondent) represented himself.

Oral and documentary evidence was received, and the matter was submitted for decision on December 5, 2013.

FACTUAL FINDINGS

1. Complainant filed the First Amended Accusation in her official capacity.
2. The Bureau of Real Estate (BRE) issued Real Estate Salesperson license number 01883672 to Respondent on August 30, 2010. The license will expire on August 29, 2014, unless renewed.
3. Respondent is the Chief Executive Officer and a corporate director of Premier Modification Group, a business entity that was incorporated on March 9, 2009 (Premier). Premier's only business was to conduct loan modification transactions. Premier has never been licensed by the BRE. Respondent's father Miguel Camacho was the chief financial officer for Premier. Respondent's brother Jorge Camacho was an employee of Premier.
4. Respondent estimated that 100 loan modifications per month were conducted by Premier, its officers, directors and employees during the period of March 2009 to June 2010. At hearing, Respondent admitted that he had personally solicited and negotiated 80 loan modifications under the auspices of Premier during

the period of March 2009 to June 2010, before he received his real estate salesperson license.

5. Jorge Camacho, as an employee of Premier, advertised, solicited and offered loan modification services to consumers. Jorge Camacho was licensed as a real estate salesperson from March 14, 2007, to March 13, 2011.¹ On January 27, 2010, A.N.² responded to one of the advertisements on the internet for loan modification and negotiation services. Jorge Camacho and Bessie Corona, an unlicensed Premier employee, solicited and accepted \$2,300 as an advance fee payment from A.N. payable to Premier for loan modification and negotiation services. Jorge Camacho and Bessie Corona represented to A.N. that she would be able to obtain loan modifications for her two properties and a lower fixed rate loan. A.N. did not receive a loan modification for either property and did not receive a refund from Premier although she made requests for a refund.

6. A.N. called Jorge Camacho numerous times, wrote a letter to both Respondent and Jorge Camacho on May 6, 2010, and sent several e-mails to Jorge Camacho requesting that either the loan modifications be finished or that she receive a refund. Jorge Camacho promised to refund A.N.'s advance fee payment in two installments. However, he never refunded the money.

7. A.N. obtained a small claims judgment against Premier in the amount of \$2,380 on August 23, 2010. The judgment has not been satisfied.

8. Jorge Camacho also sent a series of profanity laced e-mails to A.N. on October 12, 2010, which included photographs of several thousand dollars in \$100 bills on a desk with the intention of conveying that although he had the funds, he would never refund her money.

9. At hearing, Respondent credibly testified that he was not aware of the transaction with A.N. or that his brother had refused to refund A.N.'s funds until he was served with the BRE's initial accusation in this matter. Respondent never received the May 6, 2010 letter that A.N. had addressed to him jointly with his brother or the small claims lawsuit brought by A.N. against Premier. At hearing, Respondent testified that he had learned a valuable lesson from his experience with Premier in that he learned he did not want to do business with family members and preferred a more professional environment where the roles are more clearly defined. Respondent claimed that he was not aware that loan modification work required a real estate license until he was advised by the BRE. Respondent has disassociated himself

¹ Jorge Camacho's real estate salesperson license expired on March 13, 2011, and was revoked by default on September 24, 2012, because of his involvement with the A.N. transaction which is the subject of the first amended accusation.

² Initials are used to protect the consumer's privacy.

from his family and no longer has any business dealings with them. Respondent testified that he felt ashamed that A.N. had not received a refund and stated that he would be willing to make restitution to her, but did not currently have funds to pay restitution.

10. Respondent is 32 years old and had worked in the banking industry since the age of 18, first as a teller, and later as a finance representative and a loan officer before forming Premier. Respondent has been a full-time real estate salesperson since October of 2010, but has taken additional jobs to supplement his income.

11. Respondent had no personal involvement in the transaction with A.N.

Costs of Investigation and Prosecution

12. Complainant incurred \$1,134.75 in enforcement costs and \$1,103.70 in investigative costs in this matter. The charges consist of 12.75 hours of attorney time at \$89 per hour, and 17.35 hours of staff time at \$80 per hour. The costs are reasonable.

LEGAL CONCLUSIONS

1. Business and Professions Code³ section 10085 provides that all materials used in obtaining an advance fee including contract forms must be approved by the real estate commissioner before use.

2. Code section 10085.5 provides that is unlawful for any person to claim, demand, charge, receive, collect, or contract for an advance fee for soliciting lenders on behalf of borrowers or performing services for borrowers in connection with loans to be secured directly or collaterally by a lien on real property, before the borrower becomes obligated to complete the transaction or for performing any other activities for which a license is required, unless the person is a licensed real estate broker and has complied with all applicable provisions of the law governing advance fees.

3. Code section 10130 provides that it is unlawful for any person to engage in the business of, act in the capacity of, advertise as, or assume to act as a real estate broker or a real estate salesperson without having a license.

4. Code section 10131, subdivision (a), provides that a real estate broker is also a person who, for a compensation or in expectation of a compensation, regardless of the form or time of payment, solicits borrowers or lenders for or negotiates loans or collects payments or performs services for borrowers or lenders or

³ All further references to the business and Professions Code shall be to Code.

note owners in connection with loans secured directly or collaterally by liens on real property or business opportunities.

5. Code section 10131.2 provides that a real estate broker is also a person who engages in the business of claiming, demanding, charging, receiving, collecting or contracting for the collection of an advance fee in connection with any employment undertaken to promote the sale or lease of real property or of a business opportunity by advance fee listing, advertisement or other offering to sell, lease, exchange or rent property.

6. Code section 10165 provides that the commissioner may temporarily suspend or permanently revoke the license of a real estate licensee for violation of the real estate law and/or regulations.

7. Code section 10177, subdivision (d), provides that willful disregard or violation of the real estate law or the rules and regulations of the commissioner is cause for discipline.

8. Code section 10177, subdivision (g), provides that demonstrated negligence or incompetence in performing an act which requires a real estate license is cause for discipline.

9. Code section 10106 provides that the Administrative Law Judge may order that a respondent in a disciplinary action pay the reasonable costs of investigation and prosecution. Here, the reasonable costs of investigation and prosecution are \$2,238.45. (Factual Finding 12.)

10. Cause exists to discipline Respondent's real estate salesperson license pursuant to Code sections 10130, 10131, subdivision (a), and 10131.2, in conjunction with Code sections 10177, subdivision (d), and 10177, subdivision (g), by reason of Factual Findings 1 through 11 and Legal Conclusions 1 through 8, inclusive, in that Respondent was engaged in activities that required a real estate broker license without having such a license while doing business as Premier.

11. Cause exists to discipline Respondent's real estate salesperson license pursuant to Code section 10085.5 in conjunction with Code section 10177, subdivisions (d) and (g), when he solicited, negotiated and accepted advance fees for loan modifications on behalf of Premier without having a real estate broker's license, by reason of Factual Findings 1 through 11 and Legal Conclusions 1 through 8.

Disposition

12. The purpose of a disciplinary matter is to protect the public and not to punish the licensee. (*Handeland v. Department of Real Estate* (1976) 58 Cal.App.3d 513, 518; *Camacho v. Youde* (1979) 95 Cal.App.3d 161; *Small v. Smith* (1971) 16

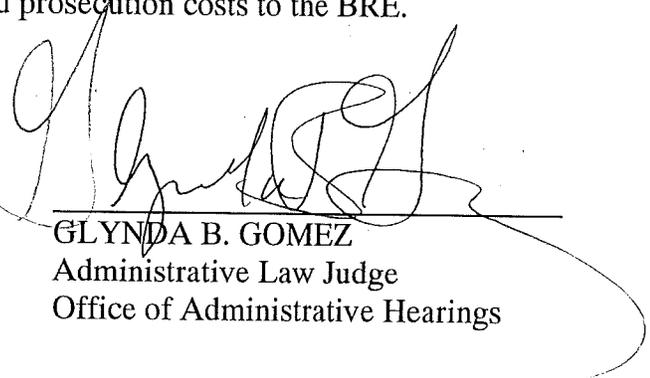
Cal.App.3d 450, 457.) Respondent has demonstrated a confusion and ignorance of basic laws and practices essential to the real estate profession. Although Respondent was not personally involved in the transaction with A.N., as the CEO of a corporation, Respondent had an obligation to oversee the corporate activities and ensure that the corporation and its employees were not engaging in unlawful activities. Here, Respondent individually and through Premier engaged in unlicensed activity and accepted advance fees in contradiction of the law. Respondent failed in his duties to monitor the corporation's activities which resulted in harm to A.N. when she neither received loan modifications for her properties nor a refund. For the foregoing reasons, the interests of public protection require that Respondent's real estate salesperson license be revoked.

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

1. All licenses and licensing rights of Respondent Alex Jose Camacho are revoked.
2. Within six months of the effective date of this Decision, Respondent shall pay \$2,238.45 in investigation and prosecution costs to the BRE.

Dated: January 6, 2014



GLYNDA B. GOMEZ
Administrative Law Judge
Office of Administrative Hearings

Fluag

1 LISSETE GARCIA, Counsel (SBN 211552)
Bureau of Real Estate
2 320 West 4th Street, Suite 350
3 Los Angeles, California 90013-1105
4 Telephone: (213) 576-6982
(Direct) (213) 576-6914
5 Fax: (213) 576-6917

FILED

NOV 05 2013

BUREAU OF REAL ESTATE

By John Alquist

8 BEFORE THE BUREAU OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) CalBRE No. H-38161 LA
12) OAH No. 2013010735
13 JORGE A. CAMACHO and)
ALEX JOSE CAMACHO,) FIRST AMENDED ACCUSATION
14 Respondents.)
15)

16 This First Amended Accusation amends the Accusation
17 filed on May 24, 2012. The Complainant, Robin Trujillo, a
18 Deputy Real Estate Commissioner of the State of California, for
19 cause of Accusation against ALEX JOSE CAMACHO ("Respondent"), is
20 informed and alleges as follows:

21 1.

22 The Complainant, Robin Trujillo, a Deputy Real Estate
23 Commissioner of the State of California, makes this First
24 Amended Accusation in her official capacity.

26 ///

1 2.

2 Business and Professions Code ("Code") Section 10130
3 states that it is unlawful for any person to engage in the
4 business of, act in the capacity of, advertise as, or assume to
5 act as a real estate broker or a salesperson in this state
6 without first obtaining a real estate license from the Bureau
7 (formerly Department) of Real Estate ("Bureau").
8

9 3.

10 Pursuant to Code Section 10131, a real estate broker
11 is defined as a person who: (a) sells or offers to sell, buys or
12 offers to buy, solicits prospective sellers or purchasers of,
13 solicits or obtains listing of, or negotiates the purchase, sale
14 or exchange of real property or a business opportunity; or (d)
15 solicits borrowers or lenders for or negotiates loans or
16 collects payment or performs services for borrowers or lenders
17 or note owners in connection with loans secured directly or
18 collaterally by liens on real property or on a business
19 opportunity.
20

21 4.

22 Code Section 10131.2 defines a real estate broker as a
23 person who engages in the business of claiming, demanding,
24 charging, receiving, collecting or contracting for the
25 collection of an advance fee in connection with any employment
26 undertaken to promote the sale or lease of real property or of a

1 business opportunity by advance fee listing, advertisement or
2 other offering to sell, lease, exchange or rent property or a
3 business opportunity, or to obtain a loan or loans thereon.

4 5.

5 Code Section 10085.5(a) states:

6 "It shall be unlawful for any person to claim, demand,
7 charge, receive, collect, or contract for an advance fee (1) for
8 soliciting lenders for borrowers in connection with loans to be
9 secured directly or collaterally by a lien on real property,
10 before the borrower becomes obligated to complete the loan or,
11 (2) for performing any other activities for which a license is
12 required, unless the person is a licensed real estate broker and
13 has complied with the provisions of this part."

14 CAUSE OF ACCUSATION

15 (UNLICENSED ACTIVITIES/ADVANCE FEE VIOLATION)

16 6.

17 From August 30, 2010, through the present, Respondent
18 ALEX JOSE CAMACHO has been licensed by the Bureau, License No.
19 01883672.
20

21 7.

22 Premier Modification Group and Bessie Corona have
23 never been licensed in any capacity by the Bureau.
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8.

Premier Modification Group is a California corporation formed on or about March 9, 2009. Respondent ALEX JOSE CAMACHO is the Chief Executive Officer and a director of Premier Modification Group.

9.

For an unknown period of time beginning no later than January 27, 2010, Respondent, while doing business as Premier Modification Group, solicited and offered loan services to consumers, including services to assist them in negotiating with lenders, foreclosure forbearance, or obtaining a loan modification through advertisements on the internet. Respondent 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.

10.

On or about January 27, 2010, borrower Angelica Nunez ("Nunez") responded to an advertisement on the internet for loan modification and negotiation services. Jorge A. Camacho and Bessie Corona, while acting on behalf of Premier Modification Group, solicited loan modification and negotiation services in

1 connection with a loan secured by a lien on real property to
2 Nunez. Nunez paid advance fees of \$2,300 to Premier
3 Modification Group for said services. Respondent's agents,
4 partners, or employees, made misrepresentations to Nunez in
5 order to induce Nunez to enter into the advance fee agreement
6 including, among others, that Premier Modification Group could
7 obtain a loan modification for Nunez and possibly obtain a lower
8 fixed interest rate on Nunez's mortgage. Premier Modification
9 Group failed to perform the loan modification and negotiation
10 services that had been promised to Nunez. Premier Modification
11 Group failed to provide an accounting of any services done for
12 Nunez or any accounting of the advance fees collected from
13 Nunez. Premier Modification Group refused Nunez's request for a
14 refund of her advance fees.
15

16 11.

17 The activities described in Paragraph 10, above,
18 require a real estate license under Code Sections 10131(d) and
19 10131.2. The conduct, acts and/or omissions of Respondent ALEX
20 JOSE CAMACHO, while doing business as Premier Modification
21 Group, occurred while Respondent ALEX JOSE CAMACHO was not
22 licensed by the Bureau in any capacity, which is in violation of
23 Code Section 10130 and constitutes grounds for the suspension or
24 revocation of the license and license rights of Respondent ALEX
25 JOSE CAMACHO pursuant to Code Sections 10177(d) or 10177(g).
26

1 WHEREFORE, Complainant prays that a hearing be
2 conducted on the allegations of this First Amended Accusation
3 and that upon proof thereof, a decision be rendered imposing
4 disciplinary action against all licenses and/or license rights
5 of Respondent ALEX JOSE CAMACHO under the Real Estate Law (Part
6 1 of Division 4 of the Business and Professions Code), for the
7 cost of investigation and enforcement as permitted by law, and
8 for such other and further relief as may be proper under other
9 provisions of law.
10

11 Dated at Los Angeles, California

12 this 31 day of October, 2013.

13
14 
15 _____
16 ROBIN TRUJILLO
17 Deputy Real Estate Commissioner
18
19
20
21
22

23 cc: Alex Jose Camacho
24 Robin Trujillo
25 Sacto
26

2.

From March 14, 2007, through March 13, 2011, Respondent JORGE A. CAMACHO ("Respondent") was licensed by the Department of Real Estate ("Department") as a real estate salesperson, Department ID 01795779. Respondent's license expired on March 14, 2011. Respondent has renewal rights under Business and Professions Code ("Code") Section 10201. The Department retains jurisdiction pursuant Code Section 10103. From January 11, 2010, through February 17, 2010, Respondent was licensed under the employment of real estate broker Sell UR Realty, Inc.

3.

Premier Modification Group and Bessie Corona have never been licensed in any capacity by the Department.

4.

For an unknown period of time beginning no later than January 27, 2010, Respondent, while doing business as Premier Modification Group, solicited and offered loan services to consumers, including services to assist them in negotiating with lenders, foreclosure forbearance, or obtaining a loan modification through advertisements on the internet. Respondent 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.

5.

On or about January 27, 2010, borrower Angelica Nunez ("Nunez") responded to an advertisement on the internet for loan modification and negotiation services. Respondent and Bessie Corona, an unlicensed person, solicited loan modification and negotiation services in connection with a loan secured by a lien on real property. Nunez paid advance fees of \$2,300 to Premier Modification Group for loan modification and negotiation services. Respondent and Bessie Corona made misrepresentations to Nunez in order to induce Nunez to enter into the advance fee agreement including, among others, that Premier Modification Group could obtain a loan modification for Nunez and possibly obtain a lower fixed interest rate on Nunez' mortgage. Respondent failed to perform the loan modification and

negotiation services that had been promised to Nunez. Respondent failed to provide an accounting of any services done for Nunez or an accounting of the advance fees collected from Nunez. Respondent refused Nunez' request for a refund of her advance fees.

DETERMINATION OF ISSUES

1.

The conduct, acts and/or omissions of Respondent JORGE A. CAMACHO, are in violation of Code Section 10137 and constitute grounds for the suspension or revocation of the license and license rights of Respondent JORGE A. CAMACHO pursuant to Code Section 10177(d).

2.

The conduct, acts and/or omissions of Respondent JORGE A. CAMACHO, as set forth above, are in violation of Code Sections 10085, 10085.5, 10085.6 and 10146 and Regulation Section 2970 and constitute grounds for the suspension or revocation of the license and license rights of Respondent JORGE A. CAMACHO pursuant to Code Section 10177(d).

3.

Respondent JORGE A. CAMACHO's conduct, acts and/or omissions, as set forth above, constitute cause for the suspension or revocation of the license and license rights of Respondent JORGE A. CAMACHO pursuant to Code Sections 10176(a) (making any substantial misrepresentation), 10176(b) (making any false promises of a character likely to influence, persuade or induce), and 10176(i) (conduct... which constitutes fraud or dishonest dealing).

4.

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

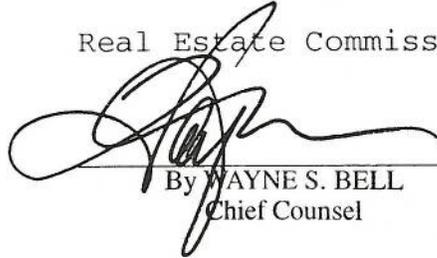
ORDER

The license and license rights of Respondent JORGE A. CAMACHO 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 on January 2, 2013.

DATED: Nov. 9, 2012.

Real Estate Commissioner

A handwritten signature in black ink, appearing to read "Wayne S. Bell", is written over a horizontal line.

By WAYNE S. BELL
Chief Counsel

1 Department of Real Estate
2 320 West Fourth Street, Suite 350
3 Los Angeles, California 90013-1105

FILED

SEP 24 2012

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)	
12	<u>JORGE A. CAMACHO</u> and)	NO. H-38161 LA
13	<u>ALEX JOSE CAMACHO,</u>)	<u>DEFAULT ORDER</u>
14	Respondents.)	

15 Respondent, JORGE A. CAMACHO, having failed to file
16 a Notice of Defense within the time required by Section 11506
17 of the Government Code, is now in default. It is, therefore,
18 ordered that a default be entered on the record in this matter
19 as to JORGE A. CAMACHO, only.

20 IT IS SO ORDERED September 24, 2012

21 Real Estate Commissioner

22 Dolores Weeks

23 By: DOLORES WEEKS
24 Regional Manager

SAC ✓

1 LISSETE GARCIA, Counsel (SBN 211552)
2 Department of Real Estate
3 320 West 4th Street, Suite 350
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FILED

MAY 24 2012

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DEPARTMENT OF REAL ESTATE
BY: C-2

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) NO. H-38161 LA
12)
13 JORGE A. CAMACHO and) A C C U S A T I O N
14 ALEX JOSE CAMACHO,)
15 Respondents.)

16 The Complainant, Robin Trujillo, a Deputy Real Estate
17 Commissioner of the State of California, for cause of Accusation
18 against JORGE A. CAMACHO and ALEX JOSE CAMACHO ("Respondents"),
19 is informed and alleges as follows:

20 1.

21 The Complainant, Robin Trujillo, a Deputy Real Estate
22 Commissioner of the State of California, makes this Accusation
23 in her official capacity.

24 ///

25 ///

26 ///

27 ///

1 2.

2 From March 14, 2007, through March 13, 2011,
3 Respondent JORGE A. CAMACHO was licensed by the Department of
4 Real Estate ("Department") as a real estate salesperson,
5 Department License No. 01795779. Respondent JORGE A. CAMACHO's
6 license expired on March 14, 2011. Respondent JORGE A. CAMACHO
7 has renewal rights under Code Section 10201. The Department
8 retains jurisdiction pursuant Code Section 10103. From January
9 11, 2010, through February 17, 2010, JORGE A. CAMACHO was
10 licensed under the employment of real estate broker Sell UR
11 Realty, Inc.

12 3.

13 From August 30, 2010, through the present, Respondent
14 ALEX JOSE CAMACHO has been licensed by the Department as a real
15 estate salesperson, Department License No. 01883672.

16 4.

17 Business and Professions Code ("Code") Section 10132
18 defines a real estate salesperson as a person who, for
19 compensation or in expectation of compensation, is employed by a
20 licensed real estate broker to do one or more of the acts set
21 forth in Code Sections 10131, 10131.1, 10131.2, 10131.3,
22 10131.4, and 10131.6.

23 5.

24 Pursuant to Code Section 10131, a real estate broker
25 is defined as a person who: (a) sells or offers to sell, buys or
26 offers to buy, solicits prospective sellers or purchasers of,
27 solicits or obtains listing of, or negotiates the purchase, sale
28 or exchange of real property or a business opportunity; or (d)

1 solicits borrowers or lenders for or negotiates loans or
2 collects payment or performs services for borrowers or lenders
3 or note owners in connection with loans secured directly or
4 collaterally by liens on real property or on a business
5 opportunity.

6 6.

7 Code Section 10131.2 defines a real estate broker as a
8 person who engages in the business of claiming, demanding,
9 charging, receiving, collecting or contracting for the
10 collection of an advance fee in connection with any employment
11 undertaken to promote the sale or lease of real property or of a
12 business opportunity by advance fee listing, advertisement or
13 other offering to sell, lease, exchange or rent property or a
14 business opportunity, or to obtain a loan or loans thereon.

15 7.

16 Code Section 10026, in pertinent part, defines an
17 advance fee as a fee that is claimed, demanded, charged,
18 received, or collected by a licensee for services requiring a
19 license. A person who proposes to collect an advance fee as
20 defined in Code Section 10026 must submit to the Commissioner
21 not less than ten calendar days before publication or other use,
22 all materials to be used in advertising, promoting, soliciting
23 and negotiating an agreement calling for the payment of an
24 advance fee including the form of advance fee agreement proposed
25 for use, pursuant to Section 2970, Regulations of the Real
26 Estate Commissioner, Title 10, Chapter 6, California Code of
27 Regulations ("Regulations"). Code Section 10085 also allows the
28 Commissioner to require that any all materials used in obtaining

1 advance fee agreements, including contract forms, be submitted
2 at least 10 calendar days before they are used.

3 8.

4 On October 11, 2009, then Governor Arnold
5 Schwarzenegger signed Senate Bill 94 (Calderon), and the
6 legislation took effect immediately upon his signature. Thus,
7 California law prohibited any person, including real estate
8 licensees and attorneys, from demanding or collecting an advance
9 fee from a consumer for loan modification or mortgage loan
10 forbearance services affecting 1 - 4 unit residential dwellings.

11 9.

12 The following notice was prominently featured on the
13 Department's website as of October 11, 2009:

14 "IF YOU ARE A REAL ESTATE BROKER, OR THE DESIGNATED
15 OFFICER OF A LICENSED CORPORATION, WHO HAS BEEN ISSUED A "NO
16 OBJECTION" LETTER BY THE DEPARTMENT OF REAL ESTATE FOR LOAN
17 MODIFICATION OR OTHER MORTGAGE LOAN FORBEARANCE SERVICES, YOU
18 CAN NO LONGER ENTER INTO THESE AGREEMENTS EFFECTIVE AS OF
19 OCTOBER 11, 2009, NOR CAN YOU COLLECT ANY ADVANCE FEES FOR SUCH
20 SERVICES. Agreements entered into and advance fees collected
21 prior to October 11, 2009 are not affected. Advance fees
22 inadvertently collected after October 11, 2009 must be fully
23 refunded. All real estate licensees should become familiar with
24 the provisions of SB94 as there are substantial administrative
25 and criminal penalties for violations."

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1 negotiation services in connection with a loan secured by a lien
2 on real property. Nunez paid advance fees of \$2,300 to Premier
3 Modification Group for loan modification and negotiation
4 services. Respondents and Bessie Corona made misrepresentations
5 to Nunez in order to induce Nunez to enter into the advance fee
6 agreement including, among others, that Premier Modification
7 Group could obtain a loan modification for Nunez and possibly
8 obtain a lower fixed interest rate on Nunez' mortgage.
9 Respondents failed to perform the loan modification and
10 negotiation services that had been promised to Nunez.
11 Respondents failed to provide an accounting of any services done
12 for Nunez or an accounting of the advance fees collected from
13 Nunez. Respondents refused Nunez' request for a refund of her
14 advance fees.

15 14.

16 The activities described in Paragraph 13, above,
17 require a real estate license under Code Sections 10131(d) and
18 10131.2. The conduct, acts and/or omissions of Respondent ALEX
19 JOSE CAMACHO as set forth above, occurred while Respondent ALEX
20 JOSE CAMACHO was not licensed by the Department in any capacity,
21 which is in violation of Code Section 10130 and constitutes
22 grounds for the suspension or revocation of the license and
23 license rights of Respondent ALEX JOSE CAMACHO pursuant to Code
24 Sections 10177(d) or 10177(g).

25 15.

26 Respondent JORGE A. CAMACHO violated Code Section
27 10137 by employing and/or compensating ALEX JOSE CAMACHO and
28

1 Bessie Coronado, individuals who were not licensed as real estate
2 salespersons or as brokers, to perform activities requiring a
3 license. Respondent JORGE A. CAMACHO further violated Code
4 Section 10137 by accepting compensation for activities requiring
5 a real estate license from someone other than the broker under
6 whom he was licensed at the time. Respondent JORGE A. CAMACHO's
7 violation of Code Section 10137 is cause for the suspension or
8 revocation of the license and license rights of Respondent JORGE
9 A. CAMACHO pursuant to Code Sections 10137, 10177(d) or
10 10177(g).

11
12 16.

13 The conduct, acts and/or omissions of Respondent JORGE
14 A. CAMACHO as set forth above are in violation of Code Sections
15 10085, 10085.5, 10085.6 and 10146 and Regulation Section 2970
16 and constitute grounds for the suspension or revocation of the
17 license and license rights of Respondent JORGE A. CAMACHO
18 pursuant to Code Sections 10177(d) or 10177(g).

19 17.

20 The conduct, acts and/or omissions as set forth above
21 constitute grounds for the suspension or revocation of the
22 license and license rights of Respondent JORGE A. CAMACHO
23 pursuant to Code Sections 10176(a) (making any substantial
24 misrepresentation), 10176(b) (making any false promises of a
25 character likely to influence, persuade or induce), 10176(i)
26 (conduct...which constitutes fraud or dishonest dealing), 10177(d)
27 (violation of the Real Estate Law), and/or 10177(g)
28 (negligence).

Code Section 10106 provides, in pertinent part, that in any order issued in resolution of a disciplinary proceeding before the Department of Real Estate, the Commissioner may request the administrative law judge to direct a licensee found to have committed a violation of this part to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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 licenses and/or license rights of Respondents JORGE A. CAMACHO and ALEX JOSE CAMACHO under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code), for the cost of investigation and enforcement as permitted by law, and for such other and further relief as may be proper under other provisions of law.

Dated at Los Angeles, California

this 23 day of May, 2012.


ROBIN TRUJILLO
Deputy Real Estate Commissioner

cc: Jorge A. Camacho
Alex Jose Camacho
Chunyk & Adduci Realty Group LA, Inc.
Robin Trujillo
Sacto