

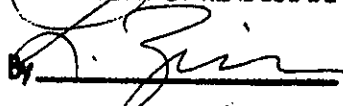
1 Department of Real Estate
2 P. O. Box 187007
3 Sacramento, CA 95818-7007

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FILED

JAN - 5 2011

DEPARTMENT OF REAL ESTATE

By 

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * *

11 To:)
12) No. H-2580 FRESNO
13) ORDER TO DESIST
14 YER JOHN YANG, a.k.a.) AND REFRAIN
15 JOHN YANG) (B&P Code Section 10086)
16)

17 The Commissioner ("Commissioner") of the California Department of Real Estate
18 ("Department") caused an investigation to be made of the activities of YER JOHN YANG, a.k.a.
19 JOHN YANG (hereinafter "YJ YANG"). Based on that investigation, the Commissioner has
20 determined that YJ YANG has engaged in or is engaging in acts or is attempting to engage in the
21 business of, acting in the capacity of, and/or advertising or assuming to act as a real estate broker
22 in the State of California within the meaning of Business and Professions Code Sections
23 10131(d) (soliciting, negotiating and performing services for borrowers in connection with loans
24 secured by real property) and 10131.2 (advance fee handling).

25 In addition, based on that investigation, the Commissioner has determined that
26 YJ YANG has engaged in or is engaging in acts or are attempting to engage practices
27 constituting violations of the California Business and Professions Code ("Code") and/or Title 10,

1 California Code of Regulations ("Regulations"). Based on the findings of that investigation, set
2 forth below, the Commissioner hereby issues the following Findings of Fact, Conclusions of
3 Law, and Desist and Refrain Order under the authority of Section 10086 of the Code.

4 FINDINGS OF FACT

5 1. YJ YANG is not now, and has never been, licensed by the Department in
6 any capacity.

7 2 On or about November 15, 2010, the Commissioner issued an ORDER
8 TO DESIST AND REFRAIN against LYLA YANG and AUSTIN JAMES FUE YANG in
9 Department of Real Estate case number H-2548 FR, which is attached hereto as Exhibit "1."
10 As YJ YANG is operating in conjunction with LYLA YANG the Findings of Fact, Conclusions
11 of Law and Desist and Refrain Order contained in Department case number H-2548 FR are
12 incorporated herein by reference as if fully set forth herein.

13 3. At the time set forth below, YJ YANG solicited borrowers and negotiated
14 to do one or more of the following acts for another or others, for or in expectation of
15 compensation; engaged in the business of, acted in the capacity of, or advertised a loan
16 modification and negotiation service and advance fee brokerage using the name Aaa Mortgage
17 and Loan thereby soliciting, offering to negotiate or perform loan modification services with
18 respect to loans which were secured by liens on real property for compensation or in
19 expectation of compensation and for fees collected in advance of the transaction.

20 4. On or about March 24, 2008, YJ YANG met with Maychap P. to enroll
21 Maychap P. into Aaa Mortgage and Loan's mortgage modification program. At that time, YJ
22 YANG entered into an agreement with Maychap P. for loan modification and negotiation
23 services for Maychap P. 's existing mortgages secured against two properties: 4017 E. Andrews
24 Street and 6657 E. Simpson Avenue, Fresno, California.

25 5. Between March 24, 2008 and September 30, 2009, YJ YANG, demanded
26 and received a total advance fee of approximately \$8,095.00 from Maychap P. for the loan
27 modification services described in Paragraph 4, above.

1 CONCLUSIONS OF LAW

2 6. Based on the information contained in Paragraphs 1 through 5, above,
3 YJ YANG violated Section 10085 of the Code, and Regulation 2970, by not having an
4 approved advance fee agreement on file with the Department.

5 7. Based on the information contained in Paragraphs 1 through 6, above,
6 YJ YANG violated Code Section 10130 and 10131(d) of the Code (performing services for
7 borrowers in connection with loans secured by real property) acting by and/or through one or
8 more agents, associates, affiliates, and/or co-conspirators and by using the fictitious business
9 name Aaa Mortgage, or other names or fictitious names unknown at this time, sought or
10 attempted to contract for advanced fees, in violation of Sections 10085 and 10085.5 of the Code.

11
12 DESIST AND REFRAIN ORDER

13 Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW stated
14 herein, it is hereby ordered that:

15 (A) YER JOHN YANG a.k.a. JOHN YANG immediately desist and refrain
16 from: employing and/or compensating individuals who are not licensed
17 as a real estate salesperson or as a broker to perform activities requiring a
18 real estate license.

19 (B) YER JOHN YANG a.k.a. JOHN YANG immediately desist and refrain
20 from: performing any acts within the State of California for which a real
21 estate broker license is required, unless you are so licensed.

22 IT IS FURTHER ORDERED THAT YER JOHN YANG a.k.a. JOHN YANG
23 immediately desist and refrain from:

24 1. Charging, demanding, claiming, collecting and/or receiving advance fees, as
25 that term is defined in Section 10026 of the Code, in any form, and under any
26 conditions, with respect to the performance of loan modification or any other
27 form of mortgage loan forbearance services in connection with loans on

1 residential property containing four or fewer dwelling units (Code Section
2 10085.6).

3 2. Charging, demanding, claiming, collecting and/or receiving advance fees, as
4 that term is defined in Section 10026 of the Code, for any of the other real
5 estate related services offered to others, unless and until YER JOHN YANG
6 a.k.a. JOHN YANG demonstrates and provides evidence satisfactory to the
7 Commissioner that YER JOHN YANG a.k.a. JOHN YANG:

8 (a) has an advance fee agreement which has been submitted to the
9 Department and which is in compliance with Section 10085 of the Code
10 and Section 2970 of the Regulations;

11 (b) has placed all previously collected advance fees into a trust
12 account for that purpose and is in compliance with Section 10146 of the Code;
13 and;

14 (c) has provided an accounting to trust fund owner-beneficiaries
15 from whom advance fees have previously been collected in compliance with
16 Section 10146 of the Code and Section 2972 of the Regulations.

17 IT IS FURTHER ORDERED THAT YJ YANG immediately desist and refrain
18 from:

19 1. Charging, demanding, claiming, collecting and/or receiving advance fees, as
20 that term is defined in Section 10026 of the Code, in any form, and under any
21 conditions, with respect to the performance of loan modifications or any other
22 form of mortgage loan forbearance service in connection with loans on
23 residential property containing four or fewer dwelling units (Code Section
24 10085.6); and,

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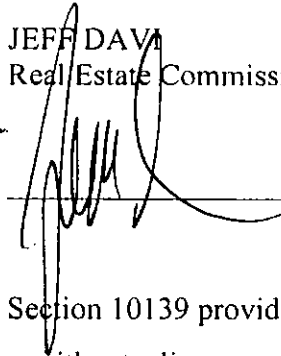
26 ////

27 ////

1 2. Charging, demanding, claiming, collecting and/or receiving advance fees, as
2 that term is defined in Section 10026 of the Code, for any other real estate
3 related services offered by him to others.

4
5 DATED: 12/30, 2010.

6
7 JEFF DAVIS
Real Estate Commissioner

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9 
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11 **Notice:** Business and Professions Code Section 10139 provides that "Any person acting as a
12 real estate broker or real estate salesperson without a license or who advertises using words
13 indicating that he or she is a real estate broker without being so licensed shall be guilty of a
14 public offense punishable by a fine not exceeding twenty thousand dollars (\$20,000), or by
15 imprisonment in the county jail for a term not to exceed six months, or by both fine and
16 imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars
(\$60,000)."

17 cc:

18
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20 Fresno, CA 93727
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21 YER JOHN YANG
22 5035 E. Belmont Avenue
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26
27

FILED

NOV 15 2010

DEPARTMENT OF REAL ESTATE

By R. Henry

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2 P. O. Box 187007
3 Sacramento, CA 95818-7007
4 Telephone: (916) 227-0789

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * *

11 To:)	No. H-2548 FR
)	
)	<u>ORDER TO DESIST</u>
12)	<u>AND REFRAIN</u>
13)	
14)	(B&P Code Section 10086)
15)	
)	

16

17 The Commissioner ("Commissioner") of the California Department of Real Estate

18 ("Department") caused an investigation to be made of the activities of LYLA YANG ("L.

19 YANG") and AUSTIN JAMES FUE YANG (A. YANG") (Collectively "Respondents").

20 WFHM Financial Home Mortgage d.b.a. Aaa Mortgage and Loan and WFHM Financial Home

21 Mortgage are fictitious business names of L. YANG and A. YANG. Based on that investigation

22 the Commissioner has determined that Respondents have engaged in or are engaging in acts or

23 are attempting to engage in the business of, acting in the capacity of, and/or advertising or

24 assuming to act as real estate brokers in the State of California within the meaning of Business

25 and Professions Code Sections 10131(d) (soliciting, negotiating and performing services for

26 borrowers in connection with loans secured by real property) and 10131.2 (advance fee

27 handling).



1 In addition, based on that investigation, the Commissioner has determined that
2 Respondents have engaged in or are engaging in acts or are attempting to engage practices
3 constituting violations of the California Business and Professions Code ("Code") and/or Title 10,
4 California Code of Regulations ("Regulations"). Based on the findings of that investigation, set
5 forth below, the Commissioner hereby issues the following Findings of Fact, Conclusions of
6 Law, and Desist and Refrain Order under the authority of Section 10086 of the Code.

7 FINDINGS OF FACT

8 1. LYLÁ YANG is not now, and has never been, licensed by the
9 Department in any capacity.

10 2 AUSTIN JAMES FUE YANG is not now, and has never been, licensed
11 by the Department in any capacity.

12 3. WFHM Financial Home Mortgage and Aaa Mortgage and Loan, a
13 fictitious business name of WFHM Financial Home Mortgage, are not now, and have never
14 been, licensed by the Department in any capacity but are fictitious business names of LYLA
15 YANG and AUSTIN JAMES FUE YANG.

16 4. At the time set forth below, Respondents LYLA YANG and AUSTIN
17 JAMES FUE YANG as a co-owner of WFHM Financial Home Mortgage and Aaa Mortgage
18 solicited borrowers and negotiated to do one or more of the following acts for another or others,
19 for or in expectation of compensation; engaged in the business of, acted in the capacity of, or
20 advertised a loan modification and negotiation service and advance fee brokerage using the
21 name Aaa Mortgage and Loan soliciting, offering to negotiate or perform loan modification
22 services with respect to loans which were secured by liens on real property for compensation or
23 in expectation of compensation and for fees collected in advance of the transaction.

24 5. On or about July 7, 2008, LYLA YANG met with Cha V. and Xay V. to
25 enroll them in Aaa Mortgage and Loan's home mortgage modification program. At that time
26 LYLA YANG entered into an agreement with Cha V. and Xay V. for loan modification and
27 negotiation services for Cha V. and Xay V.'s existing mortgage secured against their Clovis,

1 California rental properties.

2 6. Between July 9, 2008 and September 30, 2008, LYLA YANG, demanded
3 and received a total advance fee of \$11,985.00 from Cha V. and Xay V. for the loan
4 modification services described in Paragraph 5, above.

5 7. On or about July 21, 2008, LYLA YANG met with Keng V. to enroll him
6 in Aaa Mortgage and Loan's home mortgage modification program. At that time LYLA YANG
7 entered into an agreement with Keng V. for loan modification services for Keng V.'s existing
8 mortgage secured against Keng V.'s Fresno, California home.

9 8. Between July 21, 2008 and July 31, 2008, LYLA YANG, demanded and
10 received a total advance fee of \$3,995.00 from Keng V. for the services described in Paragraph
11 7, above.

12 9. On or about June 9, 2010, a Deputy Real Estate Commissioner with the
13 California Department of Real Estate using an assumed name ("Undercover Deputy") placed an
14 undercover telephone call to LYLA YANG to verify that LYLA YANG was offering home
15 mortgage loan modification services to the general public. LYLA YANG expressed a
16 willingness to provide the undercover deputy with home mortgage loan modification assistance
17 for the advance fee of \$1,500.00 with the total cost to the undercover deputy of between
18 \$1,500.00 and \$3,500.00.

19 CONCLUSIONS OF LAW

20 10. Based on the information contained in Paragraphs 1 through 9, above,
21 LYLA YANG and AUSTIN JAMES FUE YANG violated Section 10085 of the Code and
22 Regulation 2970, by not having an approved advance fee agreement on file with the
23 Department.

24 11. Based on the information contained in Paragraphs 1 through 9, above,
25 LYLA YANG and AUSTIN JAMES FUE YANG violated Code Section 10130 and 10131(d)
26 (performing services for borrowers in connection with loans secured by real property) of the
27 Code acting by and/or through one or more agents, associates, affiliates, and/or co-conspirators

1 and using the name WFHM Financial Home Mortgage and/or Aaa Mortgage, or other names or
2 fictitious names unknown at this time, sought or attempted to contract for advanced fees, in
3 violation of Sections 10085 and 10085.5 of the Code.

4 DESIST AND REFRAIN ORDER

5 Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW stated
6 herein, it is hereby ordered that:

7 (A) LYLA YANG and AUSTIN JAMES FUE YANG immediately desist and
8 refrain from: employing and/or compensating individuals who are not
9 licensed as a real estate salesperson or as a broker to perform activities
10 requiring a real estate license.

11 (B) LYLA YANG and Y AUSTIN JAMES FUE YANG immediately desist
12 and refrain from: performing any acts within the State of California for
13 which a real estate broker license is required, unless you are so licensed.

14 IT IS FURTHER ORDERED THAT LYLA YANG and AUSTIN JAMES FUE
15 YANG immediately desist and refrain from:

- 16 1. Charging, demanding, claiming, collecting and/or receiving advance fees, as
17 that term is defined in Section 10026 of the Code, in any form, and under any
18 conditions, with respect to the performance of loan modification or any other
19 form of mortgage loan forbearance services in connection with loans on
20 residential property containing four or fewer dwelling units (Code Section
21 10085.6).
- 22 2. Charging, demanding, claiming, collecting and/or receiving advance fees, as
23 that term is defined in Section 10026 of the Code, for any of the other real
24 estate related services offered to others, unless and until LYLA YANG and
25 AUSTIN JAMES FUE YANG demonstrates and provides evidence
26 satisfactory to the Commissioner they:
- 27 (a) have an advance fee agreement which has been submitted to

1 the Department and which is in compliance with Section 10085 of the Code
2 and Section 2970 of the Regulations;

3 (b) have placed all previously collected advance fees into a trust
4 account for that purpose and is in compliance with Section 10146 of the Code;
5 and;

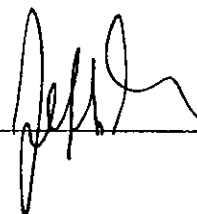
6 (c) have provided an accounting to trust fund owner-beneficiaries
7 from whom advance fees have previously been collected in compliance with
8 Section 10146 of the Code and Section 2972 of the Regulations.

9 IT IS FURTHER ORDERED THAT LYLA YANG and AUSTIN JAMES FUE
10 YANG immediately desist and refrain from:

- 11 1. Charging, demanding, claiming, collecting and/or receiving advance fees, as
12 that term is defined in Section 10026 of the Code, in any form, and under any
13 conditions, with respect to the performance of loan modifications or any other
14 form of mortgage loan forbearance service in connection with loans on
15 residential property containing four or fewer dwelling units (Code Section
16 10085.6); and
- 17 2. Charging, demanding, claiming, collecting and/or receiving advance fees, as
18 that term is defined in Section 10026 of the Code, for any other real estate
19 related services offered by them to others.

20
21 DATED: 11-8, 2010.

22
23 JEFF DAVI
24 Real Estate Commissioner

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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:

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KCE