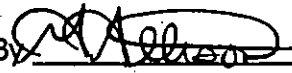


FILED

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

October 3, 2011

DEPARTMENT OF REAL ESTATE

By: 

8 **BEFORE THE DEPARTMENT OF REAL ESTATE**
9 **STATE OF CALIFORNIA**

10 * * *

11 To:)	
)	
12)	
13 SOE CONSULTING SERVICES, LLC,)	
14 THE HOME LOAN AUDITORS, LLC,)	
15 CENTURY LAW CENTER, LLC,)	NO. H-2680 FR
16 RAUL LUNA, ELENA RAMIREZ,)	
17 ARACELI CASTRO, ORALIA GUTIERREZ,)	<u>ORDER TO DESIST AND REFRAIN</u>
18 and HORTENCIA LEON.)	(B&P Code Section 10086)
)	
)	

18 The Real Estate Commissioner of the State of California (Commissioner) has
19 caused an investigation to be made of the activities of SOE CONSULTING SERVICES, LLC
20 (SOE), THE HOME LOAN AUDITORS, LLC (THLA), CENTURY LAW CENTER, LLC
21 (CLC), RAUL LUNA (LUNA), ELENA RAMIREZ (RAMIREZ), ARACELI CASTRO
22 (CASTRO), ORALIA GUTIERREZ (GUTIERREZ), and HORTENCIA LEON aka
23 HORTENCIA LEON MALAGON (LEON) including engaging in the business of, acting in
24 the capacity of, advertising, or assuming to act as a real estate broker in the State of California
25 within the meaning of Section 10131(d) of the California Business & Professions Code (the
26 Code). Based upon the findings of that investigation, as set forth below, the Commissioner has
27 determined and is of the opinion that SOE, THLA, CLC, LUNA, RAMIREZ, CASTRO,

1 GUTIERREZ, and LEON have violated Section 10130 of the Code by engaging in the business
2 of or acting as a real estate salesperson or broker, within the meaning of Sections 10085.5
3 (charging an advance fee), 10130 (act as a real estate broker or salesman without a license) and
4 10131(d) (soliciting borrowers for services in connection with loans secured by real property)
5 of the Code without first having obtained a real estate license from the California Department
6 of Real Estate (Department) and that LUNA has employed and compensated RAMIREZ,
7 CASTRO, GUTIERREZ, LEON and ALCARAZ to perform acts which require a real estate
8 license, in violation of Section 10137 of the Code. Whenever acts referred to below are
9 attributed to SOE, THLA, CLC and LUNA, those acts are alleged to have been done by SOE
10 and LUNA, acting by itself, or by and/or through one or more agents, associates, and/or co-
11 conspirators, and using other names or fictitious names unknown at this time (the related
12 entities).

13 FINDINGS OF FACT

14 1. At no time mentioned herein was SOE, licensed by the Department as a real
15 estate broker.

16 2. At no time mentioned herein was THLA, licensed by the Department as a real
17 estate broker.

18 3. At no time mentioned herein was CLC, licensed by the Department as a real
19 estate broker.

20 4. At all times mentioned herein, LUNA was licensed by the Department as a real
21 estate broker, until the license expired on May 9, 2011.

22 5. At no time mentioned until October 18, 2010 herein was RAMIREZ, licensed
23 by the Department as a real estate broker or real estate salesperson, as appropriate.

24 6. At no time mentioned herein was CASTRO, licensed by the Department as a
25 real estate broker or real estate salesperson, as appropriate.

26 7. At no time mentioned herein was GUTIERREZ, licensed by the Department as a
27 real estate broker or real estate salesperson, as appropriate.

1 8. At no time mentioned herein was LEON, licensed by the Department as a real
2 estate broker or real estate salesperson, as appropriate.

3 9. At no time mentioned here did SOE, THLA, CLC, LUNA, RAMIREZ,
4 CASTRO, GUTIERREZ, or LEON have any Advanced Fee Materials approved by the
5 Department.

6 10. At all times mentioned herein between on or about October 2008, and
7 continuing up to at least June of 2011, SOE, THLA, CLC and LUNA engaged in and hired
8 RAMIREZ, CASTRO, GUTIERREZ, and LEON to engage in the business of, act in the
9 capacity of, or assume to act as a real estate brokers within the State of California within the
10 meaning of Section 10131(d) of the Code, including solicitation of borrowers for or negotiation
11 of loans or performance of services for borrowers or lenders or note owners in connection with
12 loans secured directly or collaterally by liens on real property, including but not limited to
13 direct solicitation as described above of individual mortgage borrowers whose names are set
14 forth below.

15 11. On or about December 5, 2008 through February 9, 2009, LEON collected three
16 advance fee payments of \$1,450.00 each from Raquel H. to perform a loan modification on that
17 certain real property commonly known as 1321 E. Main Street, Stockton, California. LEON
18 failed to obtain a loan modification on this property and also failed to refund any of the fees to
19 Raquel H.

20 12. On or about May 8, 2009 through August 28, 2009, CASTRO collected four
21 advance fee payments of \$1,250.00 each from Alicia F. to perform a loan modification on that
22 certain real property commonly known as 1552 Montecito Drive, Livingston, California.
23 CASTRO failed to obtain a loan modification on this property and also failed to refund any of
24 the fees to Alicia F.

25 13. On of about August 11, 2009, through September 10, 2009, CASTRO collected
26 three advance fee payments totaling \$5,000.00 from Leticia S. to perform a loan modification
27 on that certain real property commonly known as 113 Calaveras Avenue, Modesto, California.

1 CASTRO failed to obtain a loan modification on this property and also failed to refund any of
2 the fees to Leticia S.

3 14. On or about June 26, 2009, through September 14, 2009, CASTRO collected
4 four advance fee payments of \$1,250.00 each from Juan and Jovita V. to perform a loan
5 modification on that certain real property commonly known as 910 Inyo Avenue, Modesto,
6 California. CASTRO failed to obtain a loan modification on this property and also failed to
7 refund any of the fees to Juan and Jovita V.

8 15. On or about March 11, 2010, the Department placed an undercover call to SOE
9 to verify if SOE still offered loan modification services. The person who answered the call was
10 CASTRO, who confirmed that SOE performed loan modification services and that an advance
11 fee of \$2,500.00 was required.

12 16. On or about March 16, 2011, the Department placed an undercover call to SOE
13 to verify if GUTIERREZ still offered loan modification services. GUTIERREZ indicated that
14 she did perform loan modification services and that an advance fee of \$2,500.00 was required.

15 17. On or about March 22, 2011, the Department placed an undercover call to
16 RAMIREZ to confirm her involvement with SOE. RAMIREZ indicated that she performed
17 loan modifications, was hired by LUNA doing business as the Home Loan Auditors, and that
18 an advance fee of \$5,000.00 was required.

19 CONCLUSIONS OF LAW

20 Based on the Findings of Fact contained in paragraphs 1 through 17, SOE,
21 THLA, CLC, LUNA, RAMIREZ, CASTRO, GUTIERREZ, and LEON, among other things,
22 solicited and/or performed services for borrowers, including but not limited to Raquel H.,
23 Alicia F., Leticia S., Juan V. and Jovita V., in connection with loans secured directly or
24 collaterally by liens on real property or on a business opportunity, for or in expectation of a
25 compensation and claimed, demanded, charged, received, collected or contracted for an
26 advanced fee for such services. Thus, SOE, THLA, CLC, RAMIREZ, CASTRO,
27 GUTIERREZ, and LEON violated Sections 10130, 10131(d) and 10085.5 of the Code and

1 LUNA violated Sections 10085.5 and 10137 of the Code.

2 DESIST AND REFRAIN ORDER

3 Now, therefore RAUL LUNA, ELENA RAMIREZ, ARACELI CASTRO,
4 ORALIA GUTIERREZ, HORTENCIA LEON aka HORTENCIA LEON MALAGON, and
5 SOE CONSULTING SERVICES, LLC, THE HOME LOAN AUDITORS, LLC, CENTURY
6 LAW CENTER, LLC, their employees, agents, official successors and assigns, ARE HEREBY
7 ORDERED to immediately desist and refrain from:

8 (1) Performing any and all acts within the State of California for which a real estate
9 broker license is required, unless and until they obtain a real estate broker license.

10 (2) Charging, demanding, contracting for or receiving advance fees, as that term is
11 defined in Section 10026 of the Code, for any of the services you offer to others, unless and
12 until you demonstrate and provide evidence satisfactory to the Commissioner that you are
13 properly licensed by the Department and that SOE CONSULTING SERVICES, LLC, THE
14 HOME LOAN AUDITORS, LLC, CENTURY LAW CENTER, LLC, RAUL LUNA, ELENA
15 RAMIREZ, ARACELI CASTRO, ORALIA GUTIERREZ, and HORTENCIA LEON aka
16 HORTENCIA LEON MALAGON:

17 (a) Have an advance fee agreement which has been submitted to the Department and
18 which is in compliance with Section 2970 and 2972 of the Regulations;

19 (b) Have placed all previously collected advance fees into a trust account for that
20 purpose and are in compliance with Section 10146 (deposit of advance fees into trust account)
21 of the Code; and

22 (c) Have provided an accounting to trust fund owner-beneficiaries pursuant to Section
23 2972 of the Regulations.

24 (3) Demanding, claiming, collecting and/or receiving advance fees, as that term is
25 defined in Section 10026 of the Code, in any form, and under any conditions, with respect to
26 the performance of loan modification or any other form of mortgage loan forbearance services
27 in connection with loans on residential property containing four or fewer dwelling units.

1 Now, therefore RAUL LUNA IS HEREBY ORDERED TO immediately desist
2 and refrain from:

3 (1) Employing and/or compensating unlicensed persons for performing acts which
4 require a real estate license until those persons are properly licensed as real estate salespersons
5 or real estate brokers.

6 DATED: 9/27/11

7 BARBARA J. BIGBY
8 Acting Real Estate Commissioner

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15 **Notice:** Business and Professions Code Section 10139 provides that, "Any
16 person acting as a real estate broker or real estate salesperson without a license or who
17 advertises using words indicating that he or she is a real estate broker without being so licensed
18 shall be guilty of a public offense punishable by a fine not exceeding twenty thousand dollars
19 (\$20,000), or by imprisonment in the county jail for a term not to exceed six months, or by both
20 fine and imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand
21 dollars (\$60,000)..."
22

23 cc: Sage International, Inc.
24 Attn: Suzanne L. Allen
25 Agent for Service of Process for:
26 SOE CONSULTING SERVICES, LLC. and
27 CENTURY LAW CENTER, LLC.
4618 Flores Avenue
Rohnert Park, CA 94628

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Sage International, Inc.
Attn: Suzanne L. Allen
Agent for Service of Process for:
SOE CONSULTING SERVICES, LLC. and
CENTURY LAW CENTER, LLC.
1135 Terminal Way, #209
Reno, NV 89502

ARACELI CASTRO, Individually and
As Agent for Service of Process for:
THE HOME LOAN AUDITORS, LLC.
1941 Mitchell Road, Suite F
Ceres, CA 95307

ARACELI CASTRO, Individually and
As Agent for Service of Process for:
THE HOME LOAN AUDITORS, LLC.
2221 Hidden Oak
Ceres, CA 95307

RAUL LUNA
1400 Mitchell Road
Modesto, CA 95351

ELENA RAMIREZ
5117 Blackberry Court
Keyes, CA 95328

ELENA RAMIREZ
5625 Prairie Dawn Way
Elk Grove, CA 95757

ORALIA GUTIERREZ
20959 Third Avenue
Stevinson, CA 95374

HORTENCIA LEON aka HORTENCIA LEON MALAGON
4136 Esmar Road
Ceres, CA 95307

ATTY: RKU/km