

1 DEPARTMENT OF REAL ESTATE
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FILED

JAN - 9 2013

DEPARTMENT OF REAL ESTATE

By K. Contreras

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

11 * * *

12 To:)
13) NO. H-2798 FR
14 GELAN, INC.)
15) ORDER TO DESIST AND REFRAIN
) (B&P Code Section 10086)

16 The Real Estate Commissioner (Commissioner) of the California Department of
17 Real Estate (Department) caused an investigation to be made of the activities of GELAN, INC.
18 Based on that investigation, the Commissioner has determined that GELAN, INC., has engaged in,
19 is engaging in, or is attempting to engage in, acts or practices constituting violations of the California
20 Business and Professions Code (Code), including the business of, acting in the capacity of, and/or
21 advertising or assuming to act as a real estate broker in the State of California within the meaning
22 of Sections 10131(d) (performing services for borrowers in connection with loans secured by
23 real property), 10131.2 (broker claiming/collecting receiving advance fees), and 10026 (advance
24 fees) of the Code

25 Furthermore, based on the investigation, the Commissioner hereby issues the
26 following Findings of Fact, Conclusions of Law, and Desist and Refrain Order under the authority
27 of Section 10086 of the Code.

1 Whenever acts referred to below are attributed to GELAN, INC., those acts are
2 alleged to have been done by GELAN, INC., acting by itself, or by and/or through one or more agents,
3 associates, affiliates, and/or co-conspirators.

4 FINDINGS OF FACT

5 1. At no time herein mentioned has GELAN, INC., been licensed in any capacity
6 by the Department.

7 2. During the period of time set out below, GELAN, INC., solicited borrowers and
8 negotiated to do one or more of the following acts for another or others for or in expectation of
9 compensation: negotiate one or more loans for, or perform services for, borrowers and/or lenders in
10 connection with loans secured directly or collaterally by one or more liens on real property; and
11 charge, demand or collect advance fees for any of the services offered.

12 3. On about December 22, 2009, GELAN, INC., solicited Evangelina G. (herein
13 "Evangelina") to provide loan modification services in order to save Evangelina's residence,
14 located on Beth Street, Hollister, California, from foreclosure and collected an advance fee for
15 said services in the amount of about \$1,100.00, when in fact, GELAN, INC., failed to obtain a
16 loan modification and Evangelina's home was foreclosed on about November 8, 2010, violations
17 of Sections 10130 (license requirement) and 10085.6 (collecting advance fees) of the Code.

18 CONCLUSIONS OF LAW

19 4. Based on the Findings of Fact contained in Paragraphs 1 through 3, GELAN,
20 INC., acting by itself, or by and/or through one or more agents, associates, affiliates, and/or co-
21 conspirators, charged, demanded or collected advance fees, in violation of Sections 10130 and
22 10085.6 of the Code.

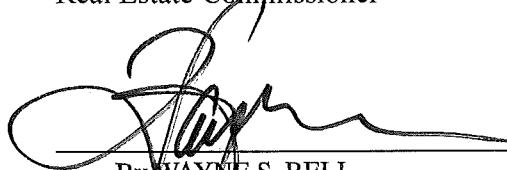
23 DESIST AND REFRAIN ORDER

24 Based on the Findings of Fact and Conclusions of Law stated herein, GELAN, INC.,
25 whether doing business under its own name, or any other names or fictitious names, ARE HEREBY
26 ORDERED to immediately desist and refrain from performing any acts within the State of
27 California for which a real estate broker license is required for others for compensation unless

1 and until GELAN, INC., obtains an appropriate license issued by the Department; and in
2 particular from charging, demanding, claiming, collecting and/or receiving advance fees, as that
3 term is defined in Section 10026 of the Code, in any form, and under any conditions, with respect to
4 the performance of loan modifications or any other form of mortgage loan forbearance service in
5 connection with loans on residential property containing four or fewer dwelling units (Section
6 10085.6 of the Code).

7 DATED: 12/27/2012

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9 Real Estate Commissioner

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12 By WAYNE S. BELL
13 Chief Counsel

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16 -NOTICE-

17 Business and Professions Code Section 10139 (Penalties for Unlicensed Person) provides that:
18 "Any person acting as a real estate broker, real estate salesperson, or mortgage loan originator
19 without a license or license endorsement, or who advertises using words indicating that he or she
20 is a real estate broker, real estate salesperson, or mortgage loan originator without being so
21 licensed or without having obtained a license endorsement, 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). ..."

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25 cc: GELAN, INC.
Attn Erika Barrios, Agent for Service
26 210 San Benito Street
Suite D
27 Hollister, CA 95023

Atty MFC/kc