


FILED

OCT 27 2016

BUREAU OF REAL ESTATE

By 

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BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

To:)	CalBRE No. H-04744 SD
)	OAH No. 2015110106
PAULA M. NARANJO.)	
)	<u>FIRST AMENDED ORDER TO</u>
)	<u>DESIST AND REFRAIN</u>

Flag

This First Amended Order to Desist and Refrain amends the Order to Desist and Refrain filed on September 16, 2015. The Commissioner ("Commissioner") of the California Bureau of Real Estate ("Bureau") caused an investigation to be made of the activities of PAULA M. NARANJO ("Respondent NARANJO"). Based on that investigation the Commissioner has determined that Respondent has engaged, is engaging in acts, or is attempting to engage in the business of, acting in the capacity of, and/or advertising or assuming to act as a real estate broker in the State of California within the meaning of Business and Professions Code ("Code") Section 10131, subdivision (a) (sell or offer to sell, buy or offer to buy, or solicit prospective purchasers or sellers, or solicit or obtain listings of, or negotiate the purchase, sale, or exchange of real property or a business opportunity) or subdivision (d) (negotiate loans or

1 perform services for borrowers in connection with loans secured directly or collaterally by liens
2 on real property.)

3 In addition, based on that investigation, the Commissioner has determined that
4 Respondent has engaged in or is engaging in acts or is attempting to engage in practices
5 constituting violations of the Code. Based on the findings of that investigation, set forth below,
6 the Commissioner hereby issues the following Findings of Fact, Conclusions of Law, and Desist
7 and Refrain Order under the authority of Section 10086 of the Code.

8 FINDINGS OF FACT

- 9 1. Respondent NARANJO has never been licensed as a real estate broker.
- 10 2. On or about April 2, 2012, Arturo Soler Ortiz de Zarate ("Soler") executed an
11 exclusive residential listing agreement for the short sale of a residential property
12 located at 7425 Charmant Drive #2805, San Diego, California ("Charmant
13 property"). The Charmant property was being sold by F.V.¹, as Trustee of the A.F.V.
14 Trust dated July 14, 2004. The listing period was April 2, 2012 through December
15 31, 2012. The Charmant property was to be sold in "as is" condition. The listing
16 price was to be \$139,000.
- 17 3. On November 6, 2012, Soler presented seller F.V. with an offer to purchase the
18 Charmant property for a purchase price of \$135,000 from buyer, Maria Lopez. Soler
19 acted as a dual agent for seller, F.V. and for buyer, Maria Lopez.
- 20 4. On November 9, 2012, Soler prepared a counter offer no. 1 on behalf of the seller for
21 an all cash purchase price of \$150,000 to close in 10 days. Counter offer no. 1 was
22 accepted by buyer, Maria Lopez.

23 ¹ Initials are used in place of individuals' full names to protect their privacy. Documents containing individuals'
24 full names will be provided during the discovery phase of this case to Respondents and/or their attorneys, after
service of a timely and proper request for discovery on Complainant's counsel.

- 1 5. In or around December, 2012, Respondent NARANJO, while acting as a short sale
2 negotiator, negotiated the short sale of the Charmont property with the seller's lender,
3 J.P. Morgan Chase bank, on behalf of the seller of the Charmont property.
- 4 6. On November 6, 2012, Respondent NARANJO sent an email from the address:
5 paula.realestate@gmail.com to the escrow officer for a HUD-1 settlement statement
6 to provide to the lender.
- 7 7. On December 21, 2012, Chase bank sent a letter to Respondent NARANJO advising
8 her that Chase would agree to the short sale of the Charmont property to Maria Lopez
9 for the sale price of \$150,000. Respondent NARANJO was to return a signed Arm's
10 Length Affidavit, among other conditions, prior to the close of escrow.
- 11 8. From October 1, 2012 through January 1, 2013, Respondent NARANJO was licensed
12 under the employment of broker, Vince Scuncio. According to Vince Scuncio, he
13 was not aware of, nor did he permit Respondent NARANJO to solicit, originate, or
14 negotiate any short sale transactions during her licensure under his employment.
- 15 9. Escrow closed on or about January 29, 2013. Respondent NARANJO's short sale
16 negotiator fee was paid outside of escrow and was not listed on the final HUD-1
17 settlement statement.

18 CONCLUSIONS OF LAW

19 Based on the information contained in Paragraphs 1 through 9, above, Respondent
20 NARANJO violated Code Sections 10130 and 10137 by engaging in, for expectation of
21 compensation, activities that require a real estate broker license pursuant to Code section 10131,
22 subdivisions (a) or (d), without first obtaining a broker license from the Bureau.

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DESIST AND REFRAIN ORDER

Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW stated herein, IT IS HEREBY ORDERED THAT PAULA M. NARANJO, while doing business in her own name or any other fictitious business names, immediately desist and refrain from performing any acts within the State of California for which a real estate broker license is required, unless they are so licensed.

DATED: 10/21/16, 2016.

REAL ESTATE COMMISSIONER



Wayne S. Bell

By: DANIEL SANDRI
Assistant Commissioner

Notice: Business and Professions Code Section 10139 provides that “[A]ny 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: Paula M. Naranjo
Synergy Funding, Inc.
Frank D. Fernandez, Esq.
OAH