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DEPARTMENT OF REAL ESTATE  
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**FILED**

JUL 30 2021

DEPARTMENT OF REAL ESTATE  
By *E. Krueger*

STATE OF CALIFORNIA  
DEPARTMENT OF REAL ESTATE

To:  
THE COLO GROUP, MICHAEL JAMES  
COLO, ELIZABETH ANN COLO  
and COLE WILDENHUS,

No. H-7053 SAC  
ORDER TO DESIST AND REFRAIN  
(B&P Code Section 10086)

The Real Estate Commissioner of the State of California ("Commissioner") has caused an investigation to be made of the activities of THE COLO GROUP, MICHAEL JAMES COLO ("MICHAEL"), ELIZABETH ANN COLO ("ELIZABETH"), and COLE WILDENHUS ("WILDENHUS"), (collectively referred to herein as "Respondents") including engaging in the business of, acting in the capacity of, advertising, or assuming to act as a real estate broker in the State of California within the meaning of Section 10131(d) of the California Business & Professions Code ("Code"). Based upon the findings of that investigation, as set forth below, the Commissioner has determined and is of the opinion that Respondents have violated Sections 10130 (engaging in the business of or acting as a real estate broker), 10131(d) (soliciting borrowers and/or performing services for borrowers or lenders or note owners in connection with loans secured directly or collaterally by liens on real property or on a business opportunity for or in expectation of compensation), 10131.1 (taking residential mortgage loan applications or offering or negotiating terms of a residential mortgage loan for compensation or gain), and 10166.01(b) (taking residential mortgage loan

1 applications or offering or negotiating terms of a residential mortgage loan for compensation or  
2 gain) of the Code without first having obtained a real estate broker license and a mortgage loan  
3 originator license endorsement from the California Department of Real Estate ("Department").

4 Whenever acts referred to below are attributed to THE COLO GROUP, those  
5 acts are alleged to have been done by THE COLO GROUP, acting by itself, or by and through  
6 one or more agents, associates, affiliates, and/or co-conspirators, and using the name THE  
7 COLO GROUP, or other names or fictitious names unknown at this time.

8 FINDINGS OF FACT

9 1. THE COLO GROUP is not now and has never been licensed by the Department  
10 in any capacity.

11 2. MICHAEL is presently licensed by the Department and/or has license rights  
12 under the Real Estate Law, Part 1 of Division 4 of the Code ("the Real Estate Law") as a real  
13 estate broker. MICHAEL is married to ELIZABETH.

14 3. In December 2012, MICHAEL was issued an individual mortgage loan  
15 originator license endorsement ("Individual MLO Endorsement"). Although MICHAEL  
16 renewed his Individual MLO Endorsement annually, he submitted every annual MLO  
17 Endorsement renewal application late. Each late renewal caused a lapse in MICHAEL's ability  
18 to lawfully conduct MLO activity.

19 4. On May 13, 2020, MICHAEL'S Individual MLO Endorsement became inactive.  
20 On or about December 22, 2020, MICHAEL re-applied for an Individual MLO Endorsement  
21 which remains pending as of the date of the filing of this Desist and Refrain Order.

22 5. ELIZABETH is presently licensed by the Department and/or has license rights  
23 under the Real Estate Law as a real estate salesperson. ELIZABETH has never been issued a  
24 mortgage loan originator license endorsement of any kind and she has no pending application for  
25 any such license endorsement.

26 6. WILDENHUS is not now and has never been licensed the Department in any  
27 capacity.

1           7.       Beginning December 2020, and ongoing, THE COLO GROUP, MICHAEL and  
2 ELIZABETH solicited borrowers and/or performed services for borrowers in connection to the  
3 purchase, sale or exchange of real property or a business opportunity for or in expectation of  
4 compensation, by advertising mortgage loan services on THE COLO GROUP website  
5 <http://www.thecologroup.com>.

6           8.       Beginning December 2020 and continuing through May 2021, THE COLO  
7 GROUP, MICHAEL and ELIZABETH solicited borrowers and/or performed services for  
8 borrowers in connection to the purchase, sale or exchange of real property or a business  
9 opportunity for or in expectation of compensation, by advertising mortgage loan services on  
10 THE COLO GROUP Facebook page at <http://www.facebook.com/pg/COLOGroup>.

11           9.       On or about December 15, 2020, an investigator for the Department  
12 ("Department's Investigator"), posing as a consumer interested in refinancing his mortgage loan,  
13 sent an email to MICHAEL at his email address listed on THE COLO GROUP website at  
14 [michael@thecologroup.com](mailto:michael@thecologroup.com). The Department Investigator inquired about refinancing his  
15 mortgage on his primary residence with a 15-year mortgage. On December 16, 2020,  
16 MICHAEL responded to the email from the Department's Investigator by stating, among other  
17 things the following:

18                   "we offer 15-year mortgages through both our direct lending  
19 channel, as well as out broker channel. As we have over 100  
20 different lending channels, including Wells Fargo and CHASE, we  
21 tend to be able to have extremely competitive rates. That said,  
22 each persons (sic) scenario and details are different, so its (sic)  
impossible to give a quote without all of your information,  
factoring in."

23           10.       On or about December 16, 2020, the Department Investigator received an email  
24 from WILDENHUS at THE COLO GROUP. Attached to the email were two "Refinance  
25 Estimates" quoting interest rates, terms, fees, costs and loan duration. The estimates included  
26 MICHAEL's name and contact information, and listed MICHAEL's NMLS unique identifier  
27 number.

1 CONCLUSIONS OF LAW

2 Based on the Findings of Fact contained above in Paragraphs 1 through 10, THE  
3 COLO GROUP, MICHAEL, ELIZABETH and WILDENHUS solicited borrowers to perform  
4 services for borrowers, for or in expectation of compensation, in connection with a loan secured  
5 directly or collaterally by a lien on real property located within the State of California, which  
6 acts require a real estate broker license under Section 10130, 10131(d), and 10131.1 of the Code,  
7 and an MLO License Endorsement as defined under Section 10166.01 of the Code.

8 DESIST AND REFRAIN ORDER

9 Based on the Findings of Fact and Conclusions of Law stated herein, THE COLO  
10 GROUP, MICHAEL, ELIZABETH and WILDENHUS, whether doing business under your own  
11 names, and/or any other names or fictitious names, ARE HEREBY ORDERED to immediately  
12 desist and refrain from performing any acts within the State of California for which a real estate  
13 broker license and an MLO License Endorsement are both required.

14 DATED: 7.15.21

15 REAL ESTATE COMMISSIONER

16  
17   
18 DOUGLAS R. McCAULEY

19 - NOTICE -

20 Business and Professions Code Section 10139 provides that "Any person acting  
21 as a real estate broker or real estate salesperson without a license or who advertises using words  
22 indicating that he or she is a real estate broker without being so licensed shall be guilty of a  
23 public offense punishable by a fine not exceeding twenty thousand dollars (\$20,000), or by  
24 imprisonment in the county jail for a term not to exceed six months, or by both fine and  
25 imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars  
26 (\$60,000)."