

1 DEPARTMENT OF REAL ESTATE  
2 P. O. Box 187007  
3 Sacramento, CA 95818-7007

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FILED

AUG 25 2011

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-11205 SF  
14 ALMADEN HOMES, LLC, and )  
15 JAWAD HASNAIN. ) ORDER TO DESIST AND REFRAIN  
) (B&P Code Section 10086)  
)

16 The Commissioner ("the Commissioner") of the California Department of Real  
17 Estate ("the Department") caused an investigation to be made of the activities of ALMADEN  
18 HOMES, LLC ("ALMADEN") and JAWAD HASNAIN also known as "Joe Hasnain"  
19 ("HASNAIN") (collectively "Respondents"). Based on that investigation, the Commissioner has  
20 determined that Respondents have engaged in, are engaging in, or are attempting to engage in,  
21 acts or practices constituting violations of the California Business and Professions Code  
22 ("Code") and/or Title 10, Chapter 6, California Code of Regulations ("Regulations"), including  
23 acting in the capacity of, advertising or assuming to act as a real estate broker in the State of  
24 California within the meaning of Code Sections 10131(d) (performing services for borrowers  
25 and/or lenders in connection with loans secured by real property), 10131.2 (collection of advance  
26 fees), 10085 (advance fee agreements and materials) and 10085.5 (collecting unauthorized  
27 advance fees). Furthermore, based on the investigation, the Commissioner hereby issues the

1 following Findings of Fact, Conclusions of Law, and Desist and Refrain Order under the  
2 authority of Section 10086 of the Code.

3  
4 FINDINGS OF FACT

5 1. ALMADEN has never been licensed by the Department to conduct real estate  
6 activities in California.

7 2. HASNAIN has never been licensed by the Department to conduct real estate  
8 activities in California.

9 3. During the period of time set out below, Respondents performed services for  
10 one or more borrowers and negotiated to do one or more of the following acts for another or  
11 others, for or in expectation of compensation: negotiate one or more loans for, or perform  
12 services for, borrowers and/or lenders with respect to the collection of advance fees and loan  
13 modification, loan refinance, principal reduction, foreclosure abatement or short sale services  
14 and/or those borrowers' lenders in connection with loans secured directly or collaterally by one  
15 or more liens on real property; and charged, demanded or collected an advance fee for any of the  
16 services offered.

17 4. In furtherance of their plan and scheme to solicit advance fees and provide  
18 loan modification services, on or about April 28, 2009, Respondents entered into a loan  
19 modification services agreement with Gerardo Hernandez G. According to that agreement,  
20 Respondents agreed to negotiate a loan modification on behalf of Gerardo Hernandez G. for his  
21 property located at 561 Richmond Avenue, San Jose, California, in exchange for a processing  
22 fee of \$495.00 and an advance fee payment of \$4,000.00. On or about that same date, Gerardo  
23 Hernandez G. paid \$495.00 to Respondents. On or about June 16, 2009, Gerardo Hernandez G.  
24 paid an additional \$1,300.00 to Respondents for loan modification services. No loan  
25 modification was ever obtained by Respondents for Gerardo Hernandez G., nor did Respondents  
26 ever refund the advance fee paid to them by Gerardo Hernandez G.

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1 CONCLUSIONS OF LAW

2 5. Based on the Findings of Fact contained in Paragraphs 1 through 4, above,  
3 ALMADEN HOMES, LLC and JAWAD HASNAIN solicited borrowers and/or performed  
4 services for those borrowers with respect to the collection of advance fees and loan modification,  
5 loan refinance, principal reduction, foreclosure abatement or short sale services and/or those  
6 borrowers' lenders in connection with loans secured directly or collaterally by one or more liens  
7 on real property; and charged, demanded or collected advance fees for the services to be  
8 provided, which acts require a real estate broker license under Sections 10130 (broker license  
9 requirement), 10131(d) and 10131.2 of the Code.

10 6. ALMADEN HOMES, LLC and JAWAD HASNAIN used a form of advance  
11 fee agreement which had not been provided to the Department for prior review and  
12 consideration, in violation of Section 10085 of the Code, and Sections 2970 (submission of  
13 advance fee materials) and 2972 (content of verified accounting) of the Regulations.

14 DESIST AND REFRAIN ORDER

15 Based on the Findings of Fact and Conclusions of Law stated herein, ALMADEN  
16 HOMES LLC and JAWAD HASNAIN, whether doing business under your own name or any  
17 other name or fictitious name, ARE HEREBY ORDERED to:

18 1. Immediately desist and refrain from charging, demanding, claiming, collecting  
19 and/or receiving advance fees, as that term is defined in Section 10026 of the Code, for any of the  
20 services you offer to others, unless and until you demonstrate and provide evidence satisfactory  
21 to the Commissioner that you are properly licensed by the Department as a real estate broker and  
22 that ALMADEN HOMES, LLC, and JAWAD HASNAIN:

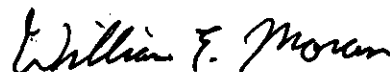
- 23 (a) Has an advance fee agreement which has been submitted to the Department  
24 and which is in compliance with Sections 2970 and 2972 of the Regulations;  
25 (b) Has placed all previously collected advance fees into a trust account for that  
26 purpose and are in compliance with Section 10146 (deposit of advance fees  
27 into trust account) of the Code;

1 (c) Has provided an accounting to trust fund owner-beneficiaries pursuant to  
2 Section 2972 of the Regulations.

3 2. Immediately desist and refrain from demanding, claiming, collecting and/or  
4 receiving advance fees, as that term is defined in Section 10026 of the Code, in any form, and  
5 under any conditions, with respect to the performance of loan modification or any other form of  
6 mortgage loan forbearance services in connection with loans on residential property containing  
7 four or fewer dwelling units.

8 DATED: August 11, 2011

9 BARBARA J. BIGBY  
10 Acting Real Estate Commissioner

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13  
14 By WILLIAM E. MORAN  
Assistant Commissioner, Enforcement

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

22 cc: Almaden Homes, LLC  
23 c/o Jawad Hasnain, Agent For Service of Process  
24 900 East Hamilton Avenue, Suite 100  
25 Campbell, CA 95008

26 Almaden Homes, LLC  
27 c/o Jawad Hasnain, Agent For Service of Process  
7226 Glenview Drive  
San Jose, CA 95120

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ATTY JWB:km