

FILED

APR 24 2010

DEPARTMENT OF REAL ESTATE

By K. Mar

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of	)	No. H-35944 LA
	)	
ALWAYS HERE INCORPORATED, dba	)	
Elite Financial Home Loans; and	)	
RUTH ARIAS, individually and as	)	
Designated broker-officer of	)	
Always Here Incorporated,	)	
	)	
Respondents.	)	

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On May 11, 2009, an Accusation was filed in this matter against Respondent RUTH ARIAS.

On March 12, 2010, Respondent petitioned the Commissioner to voluntarily surrender her real estate broker license(s) pursuant to Section 10100.2 of the Business and Professions Code.

IT IS HEREBY ORDERED that Respondent RUTH ARIAS's petition for voluntary surrender of her real estate broker license(s) is accepted as of the effective date of this Order as

1 set forth below, based upon the understanding and agreement  
2 expressed in Respondent's Declaration dated March 12, 2010  
3 (attached as Exhibit "A" hereto). Respondent's license  
4 certificate(s), pocket card(s) and any branch office license  
5 certificate(s) shall be sent to the below listed address so that  
6 they reach the Department on or before the effective date of this  
7 Order:

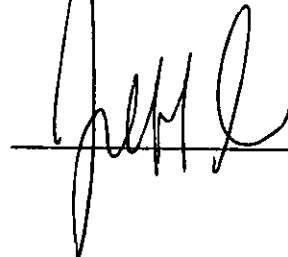
8 DEPARTMENT OF REAL ESTATE  
9 Attn: Licensing Flag Section  
10 P. O. Box 187000  
Sacramento, CA 95818-7000

11 This Order shall become effective at 12 o'clock noon  
12 on MAY 17 2010

13 DATED: \_\_\_\_\_

4-14-2012

14 JEFF DAVI  
15 Real Estate Commissioner

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BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

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In the Matter of the Accusation of  
  
ALWAYS HERE INCORPORATED, dba  
Elite Financial Home Loans; and RUTH ARIAS,  
Individually and as designated broker-officer of  
Always Here Incorporated;  
  
Respondents.

No. H-35944 LA  
L-2009091019

DECLARATION OF RUTH ARIAS

My name is RUTH ARIAS, and I am currently licensed as a real estate broker and/or have license rights with respect to said license. I am represented by Alvin B. Sherron, Attorney at Law, in this matter.

In lieu of proceeding in this matter in accordance with the provisions of the Administrative Procedure Act (Sections 11400 et seq., of the Government Code), I wish to voluntarily surrender my real estate license issued by the Department of Real Estate ("Department"), pursuant to Business and Professions Code Section 10100.2.

I understand that by so voluntarily surrendering my license, I may be relicensed as a broker or as a salesperson only by petitioning for reinstatement pursuant to Section 11522 of

1 the Government Code. I also understand that by so voluntarily surrendering my license(s), I  
2 agree to the following:

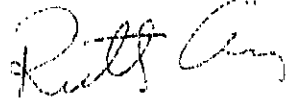
3 1. The filing of this Declaration shall be deemed as my petition for voluntary  
4 surrender.

5 2. It shall also be deemed to be an understanding and agreement by me that I  
6 waive all rights I have to require the Commissioner to prove the allegations contained in the  
7 Accusation filed in this matter at a hearing held in accordance with the provisions of the  
8 Administrative Procedure Act (Government Code Sections 11400 et seq.), and that I also waive  
9 other rights afforded to me in connection with the hearing such as the right to discovery, the right  
10 to present evidence in defense of the allegations in the Accusation and the right to cross-examine  
11 witnesses.

12 3. I further agree that upon acceptance by the Commissioner, as evidenced  
13 by an appropriate order, all affidavits and all relevant evidence obtained by the Department in  
14 this matter prior to the Commissioner's acceptance, and all allegations contained in the  
15 Accusation filed in the Department Case No. H-35944 LA may be considered by the Department  
16 to be true and correct for the purpose of deciding whether to grant relicensure or reinstatement  
17 pursuant to Government Code Section 11522.

18 4. I freely and voluntarily surrender all my licenses and license rights under  
19 the Real Estate Law.

20 I declare under penalty of perjury under the laws of the State of California that the  
21 above is true and correct and that this declaration was executed March 12, 2010, at  
22 Lawndale, California.

23   
24 \_\_\_\_\_  
25 RUTH ARIAS  
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FILED

APR 24 2010

DEPARTMENT OF REAL ESTATE

By K. Mar

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of	)	No. H-35944 LA
	)	
<u>ALWAYS HERE INCORPORATED</u> , dba	)	
Elite Financial Home Loans; and	)	
RUTH ARIAS, individually and as	)	
Designated broker-officer of	)	
Always Here Incorporated,	)	
	)	
Respondent.	)	

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On May 11, 2009, an Accusation was filed in this matter against Respondent ALWAYS HERE INCORPORATED.

On March 12, 2010, Respondent petitioned the Commissioner to voluntarily surrender its real estate broker license(s) pursuant to Section 10100.2 of the Business and Professions Code.

IT IS HEREBY ORDERED that Respondent ALWAYS HERE INCORPORATED's petition for voluntary surrender of its real estate broker license(s) is accepted as of the effective date of this Order as set forth below, based upon the understanding and

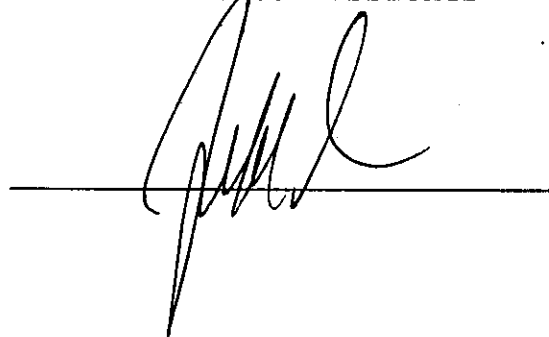
1 agreement expressed in Respondent's Declaration dated March 12,  
2 2010 (attached as Exhibit "A" hereto). Respondent's license  
3 certificate(s), pocket card(s) and any branch office license  
4 certificate(s) shall be sent to the below listed address so that  
5 they reach the Department on or before the effective date of this  
6 Order:

7  
8 DEPARTMENT OF REAL ESTATE  
9 Attn: Licensing Flag Section  
10 P. O. Box 187000  
11 Sacramento, CA 95818-7000

12 This Order shall become effective at 12 o'clock noon  
13 on MAY 17 2010.

14 DATED: 4-14-2010

15 JEFF DAVI  
16 Real Estate Commissioner

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1 I understand that by so voluntarily surrendering its license, ALWAYS HERE  
2 INCORPORATED may be relicensed as a broker only by petitioning for reinstatement pursuant  
3 to Section 11522 of the Government Code. I also understand that by so voluntarily surrendering  
4 its license, ALWAYS HERE INCORPORATED agrees to the following:

5 1. The filing of this Declaration shall be deemed as its petition for voluntary  
6 surrender.

7 2. The filing of this Declaration shall also be deemed to be an understanding and  
8 agreement by ALWAYS HERE INCORPORATED that it waives all rights it has to require the  
9 Commissioner to prove the allegations contained in the Accusation filed in this matter at a  
10 hearing held in accordance with the provisions of the Administrative Procedure Act  
11 (Government Code Sections 11400 et seq.), and that it also waives other rights afforded to it in  
12 connection with the hearing such as the right to discovery, the right to present evidence in  
13 defense of the allegations in the Accusation and the right to cross-examine witnesses.

14 3. I further agree on behalf of ALWAYS HERE INCORPORATED that upon  
15 acceptance by the Commissioner, as evidenced by an appropriate order, all affidavits and all  
16 relevant evidence obtained by the Department in this matter prior to the Commissioner's  
17 acceptance, and all allegations contained in the Accusation filed in Department Case No.  
18 H-35944 LA may be considered by the Department to be true and correct for the purpose of  
19 deciding whether or not to grant relicensure or reinstatement of ALWAYS HERE  
20 INCORPORATED's license pursuant to Government Code Section 11522.

21 4. Respondent ALWAYS HERE INCORPORATED freely and voluntarily  
22 surrenders all its licenses and license rights under the Real Estate Law.

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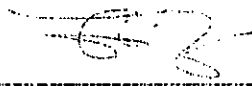
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I declare under penalty of perjury under the laws of the State of California that the above is true and correct and that I am acting freely and voluntarily on behalf of ALWAYS HERE INCORPORATED to surrender its license and all license rights attached thereto. This declaration was executed March 12, 2010, at Lawndale, California.

  
Francisco Rodriguez,  
Officer, on behalf of  
ALWAYS HERE INCORPORATED

*Sacto*

**FILED**  
MAY 11 2009  
DEPARTMENT OF REAL ESTATE

MARTHA J. ROSETT, Counsel (SBN 142072)  
Department of Real Estate  
320 West Fourth Street, Ste. 350  
Los Angeles, California 90013-1105  
Telephone: (213) 576-6982  
Direct: (213) 620-6430 (Direct)

By *Laura B. [Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \* \*

In the Matter of the Accusation of	)	No. H-35944 LA
	)	
	)	
ALWAYS HERE INCORPORATED, dba	)	<u>A C C U S A T I O N</u>
Elite Financial Home Loans; and	)	
RUTH ARIAS, individually and as	)	
designated broker-officer of	)	
Always Here Incorporated,	)	
	)	
Respondents.	)	
	)	

The Complainant, Robin Trujillo, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against Respondents ALWAYS HERE INCORPORATED, dba Elite Financial Home Loans; and RUTH ARIAS, individually and as designated broker-officer of Always Here Incorporated, is informed and alleges as follows:

1.

The Complainant, Robin Trujillo, Deputy Real Estate Commissioner of the State of California, makes this Accusation in

1 her official capacity.

2 2.

3 Respondent ALWAYS HERE INCORPORATED, dba Elite  
4 Financial Home Loans ("ALWAYS HERE"), is presently licensed and  
5 at all times relevant herein was licensed under the Real Estate  
6 Law, Part 1 of Division 4 of the California Business and  
7 Professions Code (hereinafter "Code") as a corporate real estate  
8 broker. Respondent ALWAYS HERE has been licensed by the  
9 Department as a corporate real estate broker since on or about  
10 October 31, 2001. At all times relevant herein, Respondent  
11 ALWAYS HERE was and is authorized to act by and through  
12 Respondent RUTH ARIAS as its as its broker-officer designated  
13 pursuant to Business and Code Section 10159.2 to be responsible  
14 for ensuring compliance with the Real Estate Law.  
15

16 3.

17 Respondent RUTH ARIAS ("ARIAS") is licensed as a real  
18 estate broker. She was first licensed as a broker in 2002. At  
19 all times relevant herein, Respondent ARIAS was the designated  
20 broker-officer of Respondent ALWAYS HERE.  
21

22 4.

23 Respondent ALWAYS HERE is a California corporation.  
24 Respondent ALWAYS HERE was formed as a corporation on or about  
25 July 23, 2001. As set forth more fully below, Respondent ALWAYS  
26 HERE's corporate status was suspended on or about February 1,  
27

1 2005, and it has not been a corporation in good standing since  
2 that time.

3  
4 5.

5 All further references to "Respondents" refer to the  
6 parties set forth in Paragraphs 2 through 4 above and also  
7 include the officers, agents and employees of the parties listed  
8 in Paragraphs 2 through 4 above.

9  
10 6.

11 At all times mentioned herein, Respondents, for or in  
12 expectation of compensation, engaged in the business of, acted in  
13 the capacity of, advertised or assumed to act as real estate  
14 brokers for others in the State of California within the meaning  
15 of Code Section 10131(d), representing borrowers and lenders in  
16 negotiating loans secured by real property.

17 14402 Benfield Ave., Norwalk, CA

18  
19 7.

20 Beginning on or about March 1, 2006 and continuing  
21 through on or after June 1, 1006, Respondents represented  
22 borrowers Rosa and Emilio Garcia in refinancing loans on property  
23 located at 14402 Benfield Ave., Norwalk, CA.

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25 8.

26 During the course of representing borrowers,  
27 Respondents employed and/or utilized the services of an  
unlicensed individual, Wally Fogar, to negotiate the terms and

1 conditions with the borrowers and to explain the terms of the  
2 loans to them.

3 9.

4 During the course of representing the borrowers,  
5 Respondents' agent, Wally Fogar, made material misrepresentations  
6 regarding the terms and conditions of the loans, and failed to  
7 explain that there would be two loans (not one), that the loans  
8 would be adjustable and variable rates and would not be fixed  
9 rates, and that, as a result, payment amounts would fluctuate  
10 upwards during the life of the loan.

11 10.

12 Respondents, doing business as "Elite Financial Home  
13 Loans," were compensated for their services brokering the loans  
14 to the borrowers. Compensation included a \$7,700.00 loan  
15 origination fee, a yield spread premium from the lender paid  
16 outside of escrow of \$12,512.50, and a yield spread premium from  
17 the lender paid outside of escrow of \$1,650.00, for a total of  
18 \$21,862.50.  
19

20 11.

21 During the time that Respondents represented the  
22 borrowers in the subject loan transaction, ALWAYS HERE'S  
23 corporate status was suspended and it was not a corporation in  
24 good standing with the Secretary of State. Respondent ARIAS  
25 failed to ensure that Respondent ALWAYS HERE and its employees  
26 and agents performed real estate activities in compliance with  
27 the Real Estate Law.



15.

1           The conduct, acts and/or omissions of Respondent ARIAS  
2 and Respondent ALWAYS HERE in failing to retain records of the  
3 real estate transaction set forth above constitutes grounds to  
4 suspend or revoke Respondent ARIAS' license and license rights  
5 pursuant to Code Section 10148.  
6

16.

7           The conduct, acts and/or omissions of Respondent ARIAS  
8 in failing to supervise the activities of Respondent ALWAYS HERE  
9 to ensure compliance with the Real Estate Law in violation of  
10 Code Section 10159.2 constitutes grounds to suspend or revoke the  
11 licenses and license rights of Respondent ARIAS pursuant to Code  
12 Sections 10177(h), 10177(d) and/or 10177(g).  
13  
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17.

15           The conduct, acts and/or omissions of Respondent ARIAS  
16 in knowingly continuing to do business in the name of ALWAYS HERE  
17 and Elite Financial Home Loans, knowing that ALWAYS HERE was not  
18 a corporation in good standing, and in knowingly utilizing  
19 unlicensed employees and/or agents to solicit borrowers for  
20 loans, negotiate loan terms, and explain loan terms to the  
21 borrowers constitutes dishonest dealing and is grounds to suspend  
22 or revoke Respondent ARIAS' real estate licenses and license  
23 rights pursuant to Code Sections 10176(a) and 10176(i).  
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1 WHEREFORE, Complainant prays that a hearing be  
2 conducted on the allegations of this Accusation and that upon  
3 proof thereof, a decision be rendered imposing disciplinary  
4 action against all licenses and/or license rights of Respondents  
5 ALWAYS HERE INCORPORATED and RUTH ARIAS and such other and  
6 further relief as may be proper under other applicable provisions  
7 of law.

8 Dated at Los Angeles, California,  
9 this 6 day of May, 2009.

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15 Robin Trujillo  
16 Deputy Real Estate Commissioner  
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23 cc: Ruth Arias  
24 Always Here Incorporated  
25 Robin Trujillo  
26 Sacto.  
27