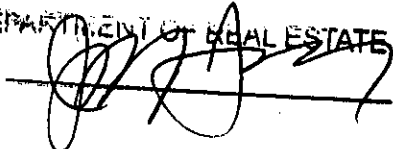


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FILED

FEB 29 2012

DEPARTMENT OF REAL ESTATE
BY: 

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-37606 LA
)	
ANNA M. VELIZ,)	
)	
)	
)	
Respondent.)	

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On October 19, 2011, an Accusation was filed in this matter against Respondent ANNA M. VELIZ.

On January 31, 2012, Respondent petitioned the Commissioner to voluntarily surrender her real estate salesperson license pursuant to Section 10100.2 of the Business and Professions Code.

IT IS HEREBY ORDERED that Respondent ANNA M. VELIZ's petition for voluntary surrender of her real estate salesperson license is accepted as of the effective date of this Order as set forth below, based upon the understanding and agreement expressed in Respondent's Declaration dated January 31, 2012 (attached as Exhibit "A" hereto). Respondent's license certificate and pocket


1 card shall be sent to the below listed address so that they reach
2 the Department on or before the effective date of this Order:

3 DEPARTMENT OF REAL ESTATE
4 Attn: Licensing Flag Section
5 P. O. Box 187000
6 Sacramento, CA 95818-7000

7 This Order shall become effective at 12 o'clock noon
8 on MAR 20 2012, 2012.

9 DATED: 2/17, 2012

10 BARBARA J. BIGBY
11 Acting Real Estate Commissioner

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	NO. H-37606 LA
)	
ANNA M. VELIZ,)	
)	
)	
Respondent.)	

DECLARATION

My name is ANNA M. VELIZ, and I am currently licensed as a real estate salesperson and/or have license rights with respect to said license. I am representing myself 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(s) issued by the Department of

1 Real Estate ("Department"), pursuant to Business and Professions
2 Code Section 10100.2.

3 I understand that by so voluntarily surrendering my
4 license(s), I may be relicensed as a salesperson or a broker only
5 by petitioning for reinstatement pursuant to Section 11522 of the
6 Government Code. I also understand that by so voluntarily
7 surrendering my license(s), I agree to the following:

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

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

20 3. I further agree that upon acceptance by the
21 Commissioner, as evidenced by an appropriate order, all
22 affidavits and all relevant evidence obtained by the Department
23 in this matter prior to the Commissioner's acceptance, and all
24 allegations contained in the Accusation filed in the Department
25 Case No. H-37606 LA, may be considered by the Department to be
26 true and correct for the purpose of deciding whether to grant
27

1 relicensure or reinstatement pursuant to Government Code Section
2 11522.

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

5 5. A copy of the Commissioner's Criteria of
6 Rehabilitation is attached hereto. If and when a petition
7 application is made for reinstatement of a surrendered license or
8 endorsement, the Real Estate Commissioner will consider as one of
9 the criteria of rehabilitation, whether or not restitution has
10 been made to any person who has suffered monetary losses through
11 "substantially related" acts or omissions of Respondent(s),
12 whether or not such persons are named in the investigation file
13 in this case.

14 I declare under penalty of perjury under the laws of
15 the State of California that the above is true and correct and
16 that this declaration was executed 01-31-12, 2012,
17 at Los Angeles, California.

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19 ANNA M. VELIZ
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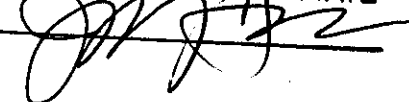
1 JULIE L. TO, State Bar No. 219482
2 Department of Real Estate
3 320 West Fourth Street, Ste. 350
4 Los Angeles, California 90013

5 Telephone: (213) 576-6982
6 (Direct) (213) 576-6916

FILED

OCT 19 2011

DEPARTMENT OF REAL ESTATE

BY: 

9 DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 * * * * *

12 In the Matter of the Accusation of)	No. H-37606 LA
13 ANNA M. VELIZ)	
14 Respondent.)	<u>A C C U S A T I O N</u>

17 The Complainant, Robin Trujillo, a Deputy Real Estate
18 Commissioner of the State of California, for cause of Accusation
19 against ANNA M. VELIZ ("VELIZ") is informed and alleges as
20 follows:

21 1.

22 The Complainant, Robin Trujillo, a Deputy Real Estate
23 Commissioner of the State of California, makes this Accusation in
24 her official capacity.

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26 ///

1 Licensee

2 2.

3 Respondent VELIZ is presently licensed and/or has
4 license rights under the Real Estate Law (Part 1 of Division 4 of
5 the Business and Professions Code, hereinafter "Code"), as a real
6 estate salesperson. Respondent was first licensed as a real
7 estate salesperson on February 9, 2000. VELIZ was employed by
8 Sunwest Properties Corporation, a real estate corporation
9 licensed by the Department, from February 15, 2005 to December
10 10, 2008. VELIZ is presently employed by Nellie Annette Malecki.

11 Unlicensed Entity

12 3.

13 Capital Financial Group & Consulting, a.k.a. Capital
14 Financial Group ("CFGC") is not now, and has never been, licensed
15 by the Department in any capacity. CFGC is not a registered
16 corporation incorporated under the laws of the State of
17 California. CFGC filed a Fictitious Business Name Statement on
18 September 24, 2008 with the County Clerk of Riverside County
19 listing Yolanda Arellano and Jorge Arellano as husband and wife
20 registrants. At the times set forth below, Respondent VELIZ
21 solicited borrowers to negotiate loans secured by real property
22 for compensation or in expectation of compensation to CFGC.

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1 Unlicensed Activity

2 4.

3 At all times mentioned herein, in the State of
4 California, Respondent VELIZ engaged in the performance of
5 activities requiring a real estate license pursuant to Business
6 and Professions Code ("Code") Section 10131 and 10131.2. Said
7 activities require that VELIZ be employed by a real estate broker
8 and that they be acting under the supervision and control of a
9 real estate broker to whom they are licensed. Respondent VELIZ's
10 acts set forth below were carried out without the knowledge and
11 supervision of any listed employing brokers. Respondent VELIZ
12 engaged in the business of claiming, demanding, charging,
13 receiving, collecting or contracting for the collection of
14 advance fees, within the meaning of Code Section 10026,
15 including, but not limited to, the following loan activities with
16 respect to loans which were secured by liens on real property:

17 a. Sara R. and Oscar R. Transaction: On or about
18 November 3, 2008, Sara R. and Oscar R. paid to VELIZ an advance
19 fee of \$2,500.00 by cashiers check payable to "Capital Financial
20 Group," pursuant to an agreement titled "Residential Loan
21 Modificiation Agreement" ("Agreement") pertaining to loan
22 solicitation, negotiation, and modification services to be
23 provided by CFGC with respect to a loan secured by real property
24 located at 1167 Burtonwood Avenue, Thousand Oaks, California.
25 This Agreement lists VELIZ as the Consulting Agent and Yolanda
26 Arellano as the "Second Party/Capital Financial Group &
27

Consulting." After three days and upon determining that VELIZ
1 did not have a business address or company name, on or about
2 November 7, 2008 Oscar R. indicated to VELIZ his wish to cancel
3 the agreement for services. In a letter dated December 28, 2008
4 CFGC indicated it would refund to Sara R. and Oscar R. \$1,850.00
5 no later than January 15, 2009. To date, neither Sara R. nor
6 Oscar R. have received a refund.
7

8 b. Ofelia R. Transaction: On or about November 3,
9 2008, Ofelia R. paid to VELIZ an advance fee of \$2,500.00 by
10 cashiers check payable to "Capital Financial Group and
11 Consulting" pursuant to an agreement pertaining to loan
12 solicitation, negotiation, and modification services to be
13 provided by CFGC with respect to a loan secured by real property
14 located at 5320 N. Banewell Ave., Azusa, California. In
15 addition, Ofelia R. paid by check \$400.00 to VELIZ for an
16 appraisal to be done on the Banewell property.
17

18 Violations

19 5.

20 Respondent VELIZ collected the advance fees described
21 in Paragraphs 4a and 4b above, pursuant to the provisions of a
22 written agreement which constitutes an advance fee agreement
23 within the meaning of Code Section 10085 and 10085.5.

24 6.

25 Respondent VELIZ failed to submit the written agreement
26 referenced in Paragraphs 4a and 4b, above, to the Commissioner
27 ten days before using it in violation of Code Section 10085 and

1 Section 2970, Title 10, Chapter 6, Code of Regulations

2 ("Regulations").

3 7.

4 Based on the conduct, acts and/or omissions as set
5 forth in Paragraphs 4a and 4b, Respondent VELIZ acting by
6 herself, or by and/or through one ore more agents,
7 representatives, associates, and/or co-conspirators, while using
8 the name "Capital Financial Group & Consulting" or "Capital
9 Financial Group" or other names or fictitious names unknown at
10 this time, solicited borrowers and performed services for those
11 borrowers and/or those borrowers' lenders in connection with
12 loans secured directly or collaterally by one or more liens on
13 real property, and charged, demanded or collected advance fees
14 for the services to be provided, which acts require a real estate
15 broker license under Sections 10131(d) and 10131.2 of the Code,
16 during a period of time when Respondent VELIZ was not licensed by
17 the Department as a real estate broker, in violation of Section
18 10130 of the Code.
19

20 8.

21 The conduct, acts and/or omissions of Respondent, as
22 set forth above, are cause for the suspension or revocation of
23 the licenses and license rights of Respondent pursuant to Code
24 Sections 10085, 10130, 10176, 10177(d) and/or 10177(g).

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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 the licenses and license rights of Respondent
5 ANNA M. VELIZ under the Real Estate Law (Part 1 of Division 4 of
6 the Business and Professions Code), and for such other and
7 further relief as may be proper under other applicable provisions
8 of law.

9 Dated at Los Angeles, California
10 this 17 day of October, 2011.

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15 Robin Trujillo
16 Deputy Real Estate Commissioner
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21 cc: ANNA M. VELIZ
22 Nellie Annette Malecki
23 Robin Trujillo
24 Sacto.
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